

As Reported by the Senate Judiciary--Criminal Justice Committee

127th General Assembly

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Sub. H. B. No. 195

Representative Core

Cosponsors: Representatives McGregor, J., Evans, Bulp, Combs, Adams, Stebelton, Fende, Hughes, Aslanides, Batchelder, Collier, Daniels, DeBose, Domenick, Dyer, Fessler, Flowers, Gibbs, Jones, Latta, Mandel, McGregor, R., Oelslager, Patton, Schneider, Stewart, J., Uecker, Wachtmann, Wagoner, Webster, Yuko

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A B I L L

To amend sections 109.572, 2921.41, 2925.01, 2925.03, 1
2925.11, 2925.22, 2953.32, 2961.01, and 2961.02 of 2
the Revised Code to provide that the 3
prescription-related exemption from the drug 4
possession offenses applies only when the 5
controlled substance is obtained pursuant to a 6
lawful prescription, to modify the penalties for 7
"deception to obtain a dangerous drug" and 8
"possession of drugs" under specified 9
circumstances, to modify a criterion for 10
determining the penalty for the trafficking in 11
drugs offenses, to make existing laws prohibiting 12
a person who has been convicted of a felony, 13
including the offense of theft in office, from 14
holding public office and denying such person 15
other specified privileges applicable upon the 16
acceptance of the person's guilty plea or the 17
determination of the person's guilt, and to remove 18
the authority of the Bureau of Criminal 19

Identification and Investigation to review sealed 20
criminal conviction records in conducting a 21
criminal records check regarding license 22
applicants for whom the check was required by Am. 23
Sub. H.B. 104 of the 127th General Assembly. 24

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

Section 1. That sections 109.572, 2921.41, 2925.01, 2925.03, 25
2925.11, 2925.22, 2953.32, 2961.01, and 2961.02 of the Revised 26
Code be amended to read as follows: 27

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 28
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 29
a completed form prescribed pursuant to division (C)(1) of this 30
section, and a set of fingerprint impressions obtained in the 31
manner described in division (C)(2) of this section, the 32
superintendent of the bureau of criminal identification and 33
investigation shall conduct a criminal records check in the manner 34
described in division (B) of this section to determine whether any 35
information exists that indicates that the person who is the 36
subject of the request previously has been convicted of or pleaded 37
guilty to any of the following: 38

(a) A violation of section 2903.01, 2903.02, 2903.03, 39
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 40
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 41
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 42
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 43
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 44
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 45
2925.06, or 3716.11 of the Revised Code, felonious sexual 46
penetration in violation of former section 2907.12 of the Revised 47
Code, a violation of section 2905.04 of the Revised Code as it 48

existed prior to July 1, 1996, a violation of section 2919.23 of 49
the Revised Code that would have been a violation of section 50
2905.04 of the Revised Code as it existed prior to July 1, 1996, 51
had the violation been committed prior to that date, or a 52
violation of section 2925.11 of the Revised Code that is not a 53
minor drug possession offense; 54

(b) A violation of an existing or former law of this state, 55
any other state, or the United States that is substantially 56
equivalent to any of the offenses listed in division (A)(1)(a) of 57
this section. 58

(2) On receipt of a request pursuant to section 5123.081 of 59
the Revised Code with respect to an applicant for employment in 60
any position with the department of mental retardation and 61
developmental disabilities, pursuant to section 5126.28 of the 62
Revised Code with respect to an applicant for employment in any 63
position with a county board of mental retardation and 64
developmental disabilities, or pursuant to section 5126.281 of the 65
Revised Code with respect to an applicant for employment in a 66
direct services position with an entity contracting with a county 67
board for employment, a completed form prescribed pursuant to 68
division (C)(1) of this section, and a set of fingerprint 69
impressions obtained in the manner described in division (C)(2) of 70
this section, the superintendent of the bureau of criminal 71
identification and investigation shall conduct a criminal records 72
check. The superintendent shall conduct the criminal records check 73
in the manner described in division (B) of this section to 74
determine whether any information exists that indicates that the 75
person who is the subject of the request has been convicted of or 76
pleaded guilty to any of the following: 77

(a) A violation of section 2903.01, 2903.02, 2903.03, 78
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 79
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 80

2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 81
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 82
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 83
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 84
2925.03, or 3716.11 of the Revised Code; 85

(b) An existing or former municipal ordinance or law of this 86
state, any other state, or the United States that is substantially 87
equivalent to any of the offenses listed in division (A)(2)(a) of 88
this section. 89

(3) On receipt of a request pursuant to section 173.27, 90
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 91
completed form prescribed pursuant to division (C)(1) of this 92
section, and a set of fingerprint impressions obtained in the 93
manner described in division (C)(2) of this section, the 94
superintendent of the bureau of criminal identification and 95
investigation shall conduct a criminal records check with respect 96
to any person who has applied for employment in a position for 97
which a criminal records check is required by those sections. The 98
superintendent shall conduct the criminal records check in the 99
manner described in division (B) of this section to determine 100
whether any information exists that indicates that the person who 101
is the subject of the request previously has been convicted of or 102
pleaded guilty to any of the following: 103

(a) A violation of section 2903.01, 2903.02, 2903.03, 104
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 105
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 106
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 107
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 108
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 109
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 110
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 111
2925.22, 2925.23, or 3716.11 of the Revised Code; 112

(b) An existing or former law of this state, any other state, 113
or the United States that is substantially equivalent to any of 114
the offenses listed in division (A)(3)(a) of this section. 115

(4) On receipt of a request pursuant to section 3701.881 of 116
the Revised Code with respect to an applicant for employment with 117
a home health agency as a person responsible for the care, 118
custody, or control of a child, a completed form prescribed 119
pursuant to division (C)(1) of this section, and a set of 120
fingerprint impressions obtained in the manner described in 121
division (C)(2) of this section, the superintendent of the bureau 122
of criminal identification and investigation shall conduct a 123
criminal records check. The superintendent shall conduct the 124
criminal records check in the manner described in division (B) of 125
this section to determine whether any information exists that 126
indicates that the person who is the subject of the request 127
previously has been convicted of or pleaded guilty to any of the 128
following: 129

(a) A violation of section 2903.01, 2903.02, 2903.03, 130
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 131
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 132
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 133
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 134
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 135
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 136
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 137
violation of section 2925.11 of the Revised Code that is not a 138
minor drug possession offense; 139

(b) An existing or former law of this state, any other state, 140
or the United States that is substantially equivalent to any of 141
the offenses listed in division (A)(4)(a) of this section. 142

(5) On receipt of a request pursuant to section 5111.032, 143
5111.033, or 5111.034 of the Revised Code, a completed form 144

prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(5)(a) of this section.

(6) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any offense specified in section

3319.31 of the Revised Code. 209

(8) On receipt of a request pursuant to section 2151.86 of 210
the Revised Code, a completed form prescribed pursuant to division 211
(C)(1) of this section, and a set of fingerprint impressions 212
obtained in the manner described in division (C)(2) of this 213
section, the superintendent of the bureau of criminal 214
identification and investigation shall conduct a criminal records 215
check in the manner described in division (B) of this section to 216
determine whether any information exists that indicates that the 217
person who is the subject of the request previously has been 218
convicted of or pleaded guilty to any of the following: 219

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 220
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 221
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 222
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 223
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 224
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 225
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 226
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 227
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 228
of the Revised Code, a violation of section 2905.04 of the Revised 229
Code as it existed prior to July 1, 1996, a violation of section 230
2919.23 of the Revised Code that would have been a violation of 231
section 2905.04 of the Revised Code as it existed prior to July 1, 232
1996, had the violation been committed prior to that date, a 233
violation of section 2925.11 of the Revised Code that is not a 234
minor drug possession offense, two or more OVI or OVUAC violations 235
committed within the three years immediately preceding the 236
submission of the application or petition that is the basis of the 237
request, or felonious sexual penetration in violation of former 238
section 2907.12 of the Revised Code; 239

(b) A violation of an existing or former law of this state, 240

any other state, or the United States that is substantially 241
equivalent to any of the offenses listed in division (A)(8)(a) of 242
this section. 243

(9) Upon receipt of a request pursuant to section 5104.012 or 244
5104.013 of the Revised Code, a completed form prescribed pursuant 245
to division (C)(1) of this section, and a set of fingerprint 246
impressions obtained in the manner described in division (C)(2) of 247
this section, the superintendent of the bureau of criminal 248
identification and investigation shall conduct a criminal records 249
check in the manner described in division (B) of this section to 250
determine whether any information exists that indicates that the 251
person who is the subject of the request has been convicted of or 252
pleaded guilty to any of the following: 253

(a) A violation of section 2903.01, 2903.02, 2903.03, 254
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 255
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 256
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 257
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 258
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 259
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 260
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 261
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 262
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 263
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 264
3716.11 of the Revised Code, felonious sexual penetration in 265
violation of former section 2907.12 of the Revised Code, a 266
violation of section 2905.04 of the Revised Code as it existed 267
prior to July 1, 1996, a violation of section 2919.23 of the 268
Revised Code that would have been a violation of section 2905.04 269
of the Revised Code as it existed prior to July 1, 1996, had the 270
violation been committed prior to that date, a violation of 271
section 2925.11 of the Revised Code that is not a minor drug 272

possession offense, a violation of section 2923.02 or 2923.03 of 273
the Revised Code that relates to a crime specified in this 274
division, or a second violation of section 4511.19 of the Revised 275
Code within five years of the date of application for licensure or 276
certification. 277

(b) A violation of an existing or former law of this state, 278
any other state, or the United States that is substantially 279
equivalent to any of the offenses or violations described in 280
division (A)(9)(a) of this section. 281

(10) Upon receipt of a request pursuant to section 5153.111 282
of the Revised Code, a completed form prescribed pursuant to 283
division (C)(1) of this section, and a set of fingerprint 284
impressions obtained in the manner described in division (C)(2) of 285
this section, the superintendent of the bureau of criminal 286
identification and investigation shall conduct a criminal records 287
check in the manner described in division (B) of this section to 288
determine whether any information exists that indicates that the 289
person who is the subject of the request previously has been 290
convicted of or pleaded guilty to any of the following: 291

(a) A violation of section 2903.01, 2903.02, 2903.03, 292
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 293
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 294
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 295
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 296
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 297
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 298
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 299
felonious sexual penetration in violation of former section 300
2907.12 of the Revised Code, a violation of section 2905.04 of the 301
Revised Code as it existed prior to July 1, 1996, a violation of 302
section 2919.23 of the Revised Code that would have been a 303
violation of section 2905.04 of the Revised Code as it existed 304

prior to July 1, 1996, had the violation been committed prior to 305
that date, or a violation of section 2925.11 of the Revised Code 306
that is not a minor drug possession offense; 307

(b) A violation of an existing or former law of this state, 308
any other state, or the United States that is substantially 309
equivalent to any of the offenses listed in division (A)(10)(a) of 310
this section. 311

(11) On receipt of a request for a criminal records check 312
from an individual pursuant to section 4749.03 or 4749.06 of the 313
Revised Code, accompanied by a completed copy of the form 314
prescribed in division (C)(1) of this section and a set of 315
fingerprint impressions obtained in a manner described in division 316
(C)(2) of this section, the superintendent of the bureau of 317
criminal identification and investigation shall conduct a criminal 318
records check in the manner described in division (B) of this 319
section to determine whether any information exists indicating 320
that the person who is the subject of the request has been 321
convicted of or pleaded guilty to a felony in this state or in any 322
other state. If the individual indicates that a firearm will be 323
carried in the course of business, the superintendent shall 324
require information from the federal bureau of investigation as 325
described in division (B)(2) of this section. The superintendent 326
shall report the findings of the criminal records check and any 327
information the federal bureau of investigation provides to the 328
director of public safety. 329

(12) On receipt of a request pursuant to section 1322.03, 330
1322.031, or 4763.05 of the Revised Code, a completed form 331
prescribed pursuant to division (C)(1) of this section, and a set 332
of fingerprint impressions obtained in the manner described in 333
division (C)(2) of this section, the superintendent of the bureau 334
of criminal identification and investigation shall conduct a 335
criminal records check with respect to any person who has applied 336

for a license, permit, or certification from the department of 337
commerce or a division in the department. The superintendent shall 338
conduct the criminal records check in the manner described in 339
division (B) of this section to determine whether any information 340
exists that indicates that the person who is the subject of the 341
request previously has been convicted of or pleaded guilty to any 342
of the following: a violation of section 2913.02, 2913.11, 343
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 344
criminal offense involving theft, receiving stolen property, 345
embezzlement, forgery, fraud, passing bad checks, money 346
laundering, or drug trafficking, or any criminal offense involving 347
money or securities, as set forth in Chapters 2909., 2911., 2913., 348
2915., 2921., 2923., and 2925. of the Revised Code; or any 349
existing or former law of this state, any other state, or the 350
United States that is substantially equivalent to those offenses. 351

(13) On receipt of a request for a criminal records check 352
from the treasurer of state under section 113.041 of the Revised 353
Code or from an individual under section 4701.08, 4715.101, 354
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 355
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 356
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 357
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 358
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 359
a completed form prescribed under division (C)(1) of this section 360
and a set of fingerprint impressions obtained in the manner 361
described in division (C)(2) of this section, the superintendent 362
of the bureau of criminal identification and investigation shall 363
conduct a criminal records check in the manner described in 364
division (B) of this section to determine whether any information 365
exists that indicates that the person who is the subject of the 366
request has been convicted of or pleaded guilty to any criminal 367
offense in this state or any other state. The superintendent shall 368
send the results of a check requested under section 113.041 of the 369

Revised Code to the treasurer of state and shall send the results 370
of a check requested under any of the other listed sections to the 371
licensing board specified by the individual in the request. 372

(14) Not later than thirty days after the date the 374
superintendent receives a request of a type described in division 375
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 376
(12) of this section, the completed form, and the fingerprint 377
impressions, the superintendent shall send the person, board, or 378
entity that made the request any information, other than 379
information the dissemination of which is prohibited by federal 380
law, the superintendent determines exists with respect to the 381
person who is the subject of the request that indicates that the 382
person previously has been convicted of or pleaded guilty to any 383
offense listed or described in division (A)(1), (2), (3), (4), 384
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 385
appropriate. The superintendent shall send the person, board, or 386
entity that made the request a copy of the list of offenses 387
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 388
(9), (10), (11), or (12) of this section, as appropriate. If the 389
request was made under section 3701.881 of the Revised Code with 390
regard to an applicant who may be both responsible for the care, 391
custody, or control of a child and involved in providing direct 392
care to an older adult, the superintendent shall provide a list of 393
the offenses specified in divisions (A)(4) and (6) of this 394
section. 395

Not later than thirty days after the superintendent receives 396
a request for a criminal records check pursuant to section 113.041 397
of the Revised Code, the completed form, and the fingerprint 398
impressions, the superintendent shall send the treasurer of state 399
any information, other than information the dissemination of which 400
is prohibited by federal law, the superintendent determines exist 401

with respect to the person who is the subject of the request that 402
indicates that the person previously has been convicted of or 403
pleaded guilty to any criminal offense in this state or any other 404
state. 405

(B) The superintendent shall conduct any criminal records 406
check requested under section 113.041, 121.08, 173.27, 173.394, 407
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 408
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 409
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 410
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 411
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 412
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 413
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 414
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 415
5153.111 of the Revised Code as follows: 416

(1) The superintendent shall review or cause to be reviewed 417
any relevant information gathered and compiled by the bureau under 418
division (A) of section 109.57 of the Revised Code that relates to 419
the person who is the subject of the request, including, if the 420
criminal records check was requested under section 113.041, 421
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 422
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 423
4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 424
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 425
Code, any relevant information contained in records that have been 426
sealed under section 2953.32 of the Revised Code; 427

(2) If the request received by the superintendent asks for 428
information from the federal bureau of investigation, the 429
superintendent shall request from the federal bureau of 430
investigation any information it has with respect to the person 431
who is the subject of the request, including fingerprint-based 432
checks of national crime information databases as described in 42 433

U.S.C. 671 if the request is made pursuant to section 2151.86, 434
5104.012, or 5104.013 of the Revised Code or if any other Revised 435
Code section requires fingerprint_based checks of that nature, and 436
shall review or cause to be reviewed any information the 437
superintendent receives from that bureau. 438

(3) The superintendent or the superintendent's designee may 439
request criminal history records from other states or the federal 440
government pursuant to the national crime prevention and privacy 441
compact set forth in section 109.571 of the Revised Code. 442

(C)(1) The superintendent shall prescribe a form to obtain 443
the information necessary to conduct a criminal records check from 444
any person for whom a criminal records check is requested under 445
section 113.041 of the Revised Code or required by section 121.08, 446
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 447
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 448
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 449
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 450
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 451
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 452
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 453
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 454
5126.281, or 5153.111 of the Revised Code. The form that the 455
superintendent prescribes pursuant to this division may be in a 456
tangible format, in an electronic format, or in both tangible and 457
electronic formats. 458

(2) The superintendent shall prescribe standard impression 459
sheets to obtain the fingerprint impressions of any person for 460
whom a criminal records check is requested under section 113.041 461
of the Revised Code or required by section 121.08, 173.27, 462
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 463
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 464
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 465

4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 466
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 467
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 468
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 469
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 470
5126.281, or 5153.111 of the Revised Code. Any person for whom a 471
records check is requested under or required by any of those 472
sections shall obtain the fingerprint impressions at a county 473
sheriff's office, municipal police department, or any other entity 474
with the ability to make fingerprint impressions on the standard 475
impression sheets prescribed by the superintendent. The office, 476
department, or entity may charge the person a reasonable fee for 477
making the impressions. The standard impression sheets the 478
superintendent prescribes pursuant to this division may be in a 479
tangible format, in an electronic format, or in both tangible and 480
electronic formats. 481

(3) Subject to division (D) of this section, the 482
superintendent shall prescribe and charge a reasonable fee for 483
providing a criminal records check requested under section 484
113.041, 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 485
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 486
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 487
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 488
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 489
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 490
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 491
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 492
5126.281, or 5153.111 of the Revised Code. The person making a 493
criminal records request under any of those sections shall pay the 494
fee prescribed pursuant to this division. A person making a 495
request under section 3701.881 of the Revised Code for a criminal 496
records check for an applicant who may be both responsible for the 497
care, custody, or control of a child and involved in providing 498

direct care to an older adult shall pay one fee for the request. 499
In the case of a request under section 5111.032 of the Revised 500
Code, the fee shall be paid in the manner specified in that 501
section. 502

503

(4) The superintendent of the bureau of criminal 504
identification and investigation may prescribe methods of 505
forwarding fingerprint impressions and information necessary to 506
conduct a criminal records check, which methods shall include, but 507
not be limited to, an electronic method. 508

(D) A determination whether any information exists that 509
indicates that a person previously has been convicted of or 510
pleaded guilty to any offense listed or described in division 511
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 512
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 513
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 514
or that indicates that a person previously has been convicted of 515
or pleaded guilty to any criminal offense in this state or any 516
other state regarding a criminal records check of a type described 517
in division (A)(13) of this section, and that is made by the 518
superintendent with respect to information considered in a 519
criminal records check in accordance with this section is valid 520
for the person who is the subject of the criminal records check 521
for a period of one year from the date upon which the 522
superintendent makes the determination. During the period in which 523
the determination in regard to a person is valid, if another 524
request under this section is made for a criminal records check 525
for that person, the superintendent shall provide the information 526
that is the basis for the superintendent's initial determination 527
at a lower fee than the fee prescribed for the initial criminal 528
records check. 529

(E) As used in this section: 530

(1) "Criminal records check" means any criminal records check 531
conducted by the superintendent of the bureau of criminal 532
identification and investigation in accordance with division (B) 533
of this section. 534

(2) "Minor drug possession offense" has the same meaning as 535
in section 2925.01 of the Revised Code. 536

(3) "Older adult" means a person age sixty or older. 537

(4) "OVI or OVUAC violation" means a violation of section 538
4511.19 of the Revised Code or a violation of an existing or 539
former law of this state, any other state, or the United States 540
that is substantially equivalent to section 4511.19 of the Revised 541
Code. 542

Sec. 2921.41. (A) No public official or party official shall 543
commit any theft offense, as defined in division (K) of section 544
2913.01 of the Revised Code, when either of the following applies: 545

(1) The offender uses the offender's office in aid of 546
committing the offense or permits or assents to its use in aid of 547
committing the offense; 548

(2) The property or service involved is owned by this state, 549
any other state, the United States, a county, a municipal 550
corporation, a township, or any political subdivision, department, 551
or agency of any of them, is owned by a political party, or is 552
part of a political campaign fund. 553

(B) Whoever violates this section is guilty of theft in 554
office. Except as otherwise provided in this division, theft in 555
office is a felony of the fifth degree. If the value of property 556
or services stolen is five hundred dollars or more and is less 557
than five thousand dollars, theft in office is a felony of the 558
fourth degree. If the value of property or services stolen is five 559
thousand dollars or more, theft in office is a felony of the third 560

degree. 561

(C)(1) A public official or party official who ~~is convicted~~ 562
~~of or~~ pleads guilty to theft in office and whose plea is accepted 563
by the court or a public official or party official against whom a 564
verdict or finding of guilt for committing theft in office is 565
returned is forever disqualified from holding any public office, 566
employment, or position of trust in this state. 567

(2)(a) A court that imposes sentence for a violation of this 568
section based on conduct described in division (A)(2) of this 569
section shall require the public official or party official who is 570
convicted of or pleads guilty to the offense to make restitution 571
for all of the property or the service that is the subject of the 572
offense, in addition to the term of imprisonment and any fine 573
imposed. A court that imposes sentence for a violation of this 574
section based on conduct described in division (A)(1) of this 575
section and that determines at trial that this state or a 576
political subdivision of this state if the offender is a public 577
official, or a political party in the United States or this state 578
if the offender is a party official, suffered actual loss as a 579
result of the offense shall require the offender to make 580
restitution to the state, political subdivision, or political 581
party for all of the actual loss experienced, in addition to the 582
term of imprisonment and any fine imposed. 583

(b)(i) In any case in which a sentencing court is required to 584
order restitution under division (C)(2)(a) of this section and in 585
which the offender, at the time of the commission of the offense 586
or at any other time, was a member of the public employees 587
retirement system, the Ohio police and fire pension fund, the 588
state teachers retirement system, the school employees retirement 589
system, or the state highway patrol retirement system; was an 590
electing employee, as defined in section 3305.01 of the Revised 591
Code, participating in an alternative retirement plan provided 592

pursuant to Chapter 3305. of the Revised Code; was a participating 593
employee or continuing member, as defined in section 148.01 of the 594
Revised Code, in a deferred compensation program offered by the 595
Ohio public employees deferred compensation board; was an officer 596
or employee of a municipal corporation who was a participant in a 597
deferred compensation program offered by that municipal 598
corporation; was an officer or employee of a government unit, as 599
defined in section 148.06 of the Revised Code, who was a 600
participant in a deferred compensation program offered by that 601
government unit, or was a participating employee, continuing 602
member, or participant in any deferred compensation program 603
described in this division and a member of a retirement system 604
specified in this division or a retirement system of a municipal 605
corporation, the entity to which restitution is to be made may 606
file a motion with the sentencing court specifying any retirement 607
system, any provider as defined in section 3305.01 of the Revised 608
Code, and any deferred ~~compensation~~ compensation program of which 609
the offender was a member, electing employee, participating 610
employee, continuing member, or participant and requesting the 611
court to issue an order requiring the specified retirement system, 612
the specified provider under the alternative retirement plan, or 613
the specified deferred compensation program, or, if more than one 614
is specified in the motion, the applicable combination of these, 615
to withhold the amount required as restitution from any payment 616
that is to be made under a pension, annuity, or allowance, under 617
an option in the alternative retirement plan, under a participant 618
account, as defined in section 148.01 of the Revised Code, or 619
under any other type of benefit, other than a survivorship 620
benefit, that has been or is in the future granted to the 621
offender, from any payment of accumulated employee contributions 622
standing to the offender's credit with that retirement system, 623
that provider of the option under the alternative retirement plan, 624
or that deferred compensation program, or, if more than one is 625

specified in the motion, the applicable combination of these, and 626
from any payment of any other amounts to be paid to the offender 627
upon the offender's withdrawal of the offender's contributions 628
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 629
the Revised Code. A motion described in this division may be filed 630
at any time subsequent to the conviction of the offender or entry 631
of a guilty plea. Upon the filing of the motion, the clerk of the 632
court in which the motion is filed shall notify the offender, the 633
specified retirement system, the specified provider under the 634
alternative retirement plan, or the specified deferred 635
compensation program, or, if more than one is specified in the 636
motion, the applicable combination of these, in writing, of all of 637
the following: that the motion was filed; that the offender will 638
be granted a hearing on the issuance of the requested order if the 639
offender files a written request for a hearing with the clerk 640
prior to the expiration of thirty days after the offender receives 641
the notice; that, if a hearing is requested, the court will 642
schedule a hearing as soon as possible and notify the offender, 643
any specified retirement system, any specified provider under an 644
alternative retirement plan, and any specified deferred 645
compensation program of the date, time, and place of the hearing; 646
that, if a hearing is conducted, it will be limited only to a 647
consideration of whether the offender can show good cause why the 648
requested order should not be issued; that, if a hearing is 649
conducted, the court will not issue the requested order if the 650
court determines, based on evidence presented at the hearing by 651
the offender, that there is good cause for the requested order not 652
to be issued; that the court will issue the requested order if a 653
hearing is not requested or if a hearing is conducted but the 654
court does not determine, based on evidence presented at the 655
hearing by the offender, that there is good cause for the 656
requested order not to be issued; and that, if the requested order 657
is issued, any retirement system, any provider under an 658

alternative retirement plan, and any deferred compensation program 659
specified in the motion will be required to withhold the amount 660
required as restitution from payments to the offender. 661

(ii) In any case in which a sentencing court is required to 662
order restitution under division (C)(2)(a) of this section and in 663
which a motion requesting the issuance of a withholding order as 664
described in division (C)(2)(b)(i) of this section is filed, the 665
offender may receive a hearing on the motion by delivering a 666
written request for a hearing to the court prior to the expiration 667
of thirty days after the offender's receipt of the notice provided 668
pursuant to division (C)(2)(b)(i) of this section. If a request 669
for a hearing is made by the offender within the prescribed time, 670
the court shall schedule a hearing as soon as possible after the 671
request is made and shall notify the offender, the specified 672
retirement system, the specified provider under the alternative 673
retirement plan, or the specified deferred compensation program, 674
or, if more than one is specified in the motion, the applicable 675
combination of these, of the date, time, and place of the hearing. 676
A hearing scheduled under this division shall be limited to a 677
consideration of whether there is good cause, based on evidence 678
presented by the offender, for the requested order not to be 679
issued. If the court determines, based on evidence presented by 680
the offender, that there is good cause for the order not to be 681
issued, the court shall deny the motion and shall not issue the 682
requested order. If the offender does not request a hearing within 683
the prescribed time or if the court conducts a hearing but does 684
not determine, based on evidence presented by the offender, that 685
there is good cause for the order not to be issued, the court 686
shall order the specified retirement system, the specified 687
provider under the alternative retirement plan, or the specified 688
deferred compensation program, or, if more than one is specified 689
in the motion, the applicable combination of these, to withhold 690
the amount required as restitution under division (C)(2)(a) of 691

this section from any payments to be made under a pension, 692
annuity, or allowance, under a participant account, as defined in 693
section 148.01 of the Revised Code, under an option in the 694
alternative retirement plan, or under any other type of benefit, 695
other than a survivorship benefit, that has been or is in the 696
future granted to the offender, from any payment of accumulated 697
employee contributions standing to the offender's credit with that 698
retirement system, that provider under the alternative retirement 699
plan, or that deferred compensation program, or, if more than one 700
is specified in the motion, the applicable combination of these, 701
and from any payment of any other amounts to be paid to the 702
offender upon the offender's withdrawal of the offender's 703
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 704
or 5505. of the Revised Code, and to continue the withholding for 705
that purpose, in accordance with the order, out of each payment to 706
be made on or after the date of issuance of the order, until 707
further order of the court. Upon receipt of an order issued under 708
this division, the public employees retirement system, the Ohio 709
police and fire pension fund, the state teachers retirement 710
system, the school employees retirement system, the state highway 711
patrol retirement system, a municipal corporation retirement 712
system, the provider under the alternative retirement plan, and 713
the deferred compensation program offered by the Ohio public 714
employees deferred compensation board, a municipal corporation, or 715
a government unit, as defined in section 148.06 of the Revised 716
Code, whichever are applicable, shall withhold the amount required 717
as restitution, in accordance with the order, from any such 718
payments and immediately shall forward the amount withheld to the 719
clerk of the court in which the order was issued for payment to 720
the entity to which restitution is to be made. 721

(iii) Service of a notice required by division (C)(2)(b)(i) 722
or (ii) of this section shall be effected in the same manner as 723
provided in the Rules of Civil Procedure for the service of 724

process. 725

(D) Upon the filing of charges against a person under this 726
section, the prosecutor, as defined in section 2935.01 of the 727
Revised Code, who is assigned the case shall send written notice 728
that charges have been filed against that person to the public 729
employees retirement system, the Ohio police and fire pension 730
fund, the state teachers retirement system, the school employees 731
retirement system, the state highway patrol retirement system, the 732
provider under an alternative retirement plan, any municipal 733
corporation retirement system in this state, and the deferred 734
compensation program offered by the Ohio public employees deferred 735
compensation board, a municipal corporation, or a government unit, 736
as defined in section 148.06 of the Revised Code. The written 737
notice shall specifically identify the person charged. 738

Sec. 2925.01. As used in this chapter: 739

(A) "Administer," "controlled substance," "dispense," 740
"distribute," "hypodermic," "manufacturer," "official written 741
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 742
"schedule II," "schedule III," "schedule IV," "schedule V," and 743
"wholesaler" have the same meanings as in section 3719.01 of the 744
Revised Code. 745

(B) "Drug dependent person" and "drug of abuse" have the same 746
meanings as in section 3719.011 of the Revised Code. 747

(C) "Drug," "dangerous drug," "licensed health professional 748
authorized to prescribe drugs," and "prescription" have the same 749
meanings as in section 4729.01 of the Revised Code. 750

(D) "Bulk amount" of a controlled substance means any of the 751
following: 752

(1) For any compound, mixture, preparation, or substance 753
included in schedule I, schedule II, or schedule III, with the 754

exception of marihuana, cocaine, L.S.D., heroin, and hashish and 755
except as provided in division (D)(2) or (5) of this section, 756
whichever of the following is applicable: 757

(a) An amount equal to or exceeding ten grams or twenty-five 758
unit doses of a compound, mixture, preparation, or substance that 759
is or contains any amount of a schedule I opiate or opium 760
derivative; 761

(b) An amount equal to or exceeding ten grams of a compound, 762
mixture, preparation, or substance that is or contains any amount 763
of raw or gum opium; 764

(c) An amount equal to or exceeding thirty grams or ten unit 765
doses of a compound, mixture, preparation, or substance that is or 766
contains any amount of a schedule I hallucinogen other than 767
tetrahydrocannabinol or lysergic acid amide, or a schedule I 768
stimulant or depressant; 769

(d) An amount equal to or exceeding twenty grams or five 770
times the maximum daily dose in the usual dose range specified in 771
a standard pharmaceutical reference manual of a compound, mixture, 772
preparation, or substance that is or contains any amount of a 773
schedule II opiate or opium derivative; 774

(e) An amount equal to or exceeding five grams or ten unit 775
doses of a compound, mixture, preparation, or substance that is or 776
contains any amount of phencyclidine; 777

(f) An amount equal to or exceeding one hundred twenty grams 778
or thirty times the maximum daily dose in the usual dose range 779
specified in a standard pharmaceutical reference manual of a 780
compound, mixture, preparation, or substance that is or contains 781
any amount of a schedule II stimulant that is in a final dosage 782
form manufactured by a person authorized by the "Federal Food, 783
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 784
amended, and the federal drug abuse control laws, as defined in 785

section 3719.01 of the Revised Code, that is or contains any 786
amount of a schedule II depressant substance or a schedule II 787
hallucinogenic substance; 788

(g) An amount equal to or exceeding three grams of a 789
compound, mixture, preparation, or substance that is or contains 790
any amount of a schedule II stimulant, or any of its salts or 791
isomers, that is not in a final dosage form manufactured by a 792
person authorized by the Federal Food, Drug, and Cosmetic Act and 793
the federal drug abuse control laws. 794

(2) An amount equal to or exceeding one hundred twenty grams 795
or thirty times the maximum daily dose in the usual dose range 796
specified in a standard pharmaceutical reference manual of a 797
compound, mixture, preparation, or substance that is or contains 798
any amount of a schedule III or IV substance other than an 799
anabolic steroid or a schedule III opiate or opium derivative; 800

(3) An amount equal to or exceeding twenty grams or five 801
times the maximum daily dose in the usual dose range specified in 802
a standard pharmaceutical reference manual of a compound, mixture, 803
preparation, or substance that is or contains any amount of a 804
schedule III opiate or opium derivative; 805

(4) An amount equal to or exceeding two hundred fifty 806
milliliters or two hundred fifty grams of a compound, mixture, 807
preparation, or substance that is or contains any amount of a 808
schedule V substance; 809

(5) An amount equal to or exceeding two hundred solid dosage 810
units, sixteen grams, or sixteen milliliters of a compound, 811
mixture, preparation, or substance that is or contains any amount 812
of a schedule III anabolic steroid. 813

(E) "Unit dose" means an amount or unit of a compound, 814
mixture, or preparation containing a controlled substance that is 815
separately identifiable and in a form that indicates that it is 816

the amount or unit by which the controlled substance is separately 817
administered to or taken by an individual. 818

(F) "Cultivate" includes planting, watering, fertilizing, or 819
tilling. 820

(G) "Drug abuse offense" means any of the following: 821

(1) A violation of division (A) of section 2913.02 that 822
constitutes theft of drugs, or a violation of section 2925.02, 823
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 824
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 825
2925.37 of the Revised Code; 826

(2) A violation of an existing or former law of this or any 827
other state or of the United States that is substantially 828
equivalent to any section listed in division (G)(1) of this 829
section; 830

(3) An offense under an existing or former law of this or any 831
other state, or of the United States, of which planting, 832
cultivating, harvesting, processing, making, manufacturing, 833
producing, shipping, transporting, delivering, acquiring, 834
possessing, storing, distributing, dispensing, selling, inducing 835
another to use, administering to another, using, or otherwise 836
dealing with a controlled substance is an element; 837

(4) A conspiracy to commit, attempt to commit, or complicity 838
in committing or attempting to commit any offense under division 839
(G)(1), (2), or (3) of this section. 840

(H) "Felony drug abuse offense" means any drug abuse offense 841
that would constitute a felony under the laws of this state, any 842
other state, or the United States. 843

(I) "Harmful intoxicant" does not include beer or 844
intoxicating liquor but means any of the following: 845

(1) Any compound, mixture, preparation, or substance the gas, 846

fumes, or vapor of which when inhaled can induce intoxication, 847
excitement, giddiness, irrational behavior, depression, 848
stupefaction, paralysis, unconsciousness, asphyxiation, or other 849
harmful physiological effects, and includes, but is not limited 850
to, any of the following: 851

(a) Any volatile organic solvent, plastic cement, model 852
cement, fingernail polish remover, lacquer thinner, cleaning 853
fluid, gasoline, or other preparation containing a volatile 854
organic solvent; 855

(b) Any aerosol propellant; 856

(c) Any fluorocarbon refrigerant; 857

(d) Any anesthetic gas. 858

(2) Gamma Butyrolactone; 859

(3) 1,4 Butanediol. 860

(J) "Manufacture" means to plant, cultivate, harvest, 861
process, make, prepare, or otherwise engage in any part of the 862
production of a drug, by propagation, extraction, chemical 863
synthesis, or compounding, or any combination of the same, and 864
includes packaging, repackaging, labeling, and other activities 865
incident to production. 866

(K) "Possess" or "possession" means having control over a 867
thing or substance, but may not be inferred solely from mere 868
access to the thing or substance through ownership or occupation 869
of the premises upon which the thing or substance is found. 870

(L) "Sample drug" means a drug or pharmaceutical preparation 871
that would be hazardous to health or safety if used without the 872
supervision of a licensed health professional authorized to 873
prescribe drugs, or a drug of abuse, and that, at one time, had 874
been placed in a container plainly marked as a sample by a 875
manufacturer. 876

| | |
|--|-----|
| (M) "Standard pharmaceutical reference manual" means the | 877 |
| current edition, with cumulative changes if any, of any of the | 878 |
| following reference works: | 879 |
| (1) "The National Formulary"; | 880 |
| (2) "The United States Pharmacopeia," prepared by authority | 881 |
| of the United States Pharmacopeial Convention, Inc.; | 882 |
| (3) Other standard references that are approved by the state | 883 |
| board of pharmacy. | 884 |
| (N) "Juvenile" means a person under eighteen years of age. | 885 |
| (O) "Counterfeit controlled substance" means any of the | 886 |
| following: | 887 |
| (1) Any drug that bears, or whose container or label bears, a | 888 |
| trademark, trade name, or other identifying mark used without | 889 |
| authorization of the owner of rights to that trademark, trade | 890 |
| name, or identifying mark; | 891 |
| (2) Any unmarked or unlabeled substance that is represented | 892 |
| to be a controlled substance manufactured, processed, packed, or | 893 |
| distributed by a person other than the person that manufactured, | 894 |
| processed, packed, or distributed it; | 895 |
| (3) Any substance that is represented to be a controlled | 896 |
| substance but is not a controlled substance or is a different | 897 |
| controlled substance; | 898 |
| (4) Any substance other than a controlled substance that a | 899 |
| reasonable person would believe to be a controlled substance | 900 |
| because of its similarity in shape, size, and color, or its | 901 |
| markings, labeling, packaging, distribution, or the price for | 902 |
| which it is sold or offered for sale. | 903 |
| (P) An offense is "committed in the vicinity of a school" if | 904 |
| the offender commits the offense on school premises, in a school | 905 |
| building, or within one thousand feet of the boundaries of any | 906 |

school premises, regardless of whether the offender knows the 907
offense is being committed on school premises, in a school 908
building, or within one thousand feet of the boundaries of any 909
school premises. 910

(Q) "School" means any school operated by a board of 911
education, any community school established under Chapter 3314. of 912
the Revised Code, or any nonpublic school for which the state 913
board of education prescribes minimum standards under section 914
3301.07 of the Revised Code, whether or not any instruction, 915
extracurricular activities, or training provided by the school is 916
being conducted at the time a criminal offense is committed. 917

(R) "School premises" means either of the following: 918

(1) The parcel of real property on which any school is 919
situated, whether or not any instruction, extracurricular 920
activities, or training provided by the school is being conducted 921
on the premises at the time a criminal offense is committed; 922

(2) Any other parcel of real property that is owned or leased 923
by a board of education of a school, the governing authority of a 924
community school established under Chapter 3314. of the Revised 925
Code, or the governing body of a nonpublic school for which the 926
state board of education prescribes minimum standards under 927
section 3301.07 of the Revised Code and on which some of the 928
instruction, extracurricular activities, or training of the school 929
is conducted, whether or not any instruction, extracurricular 930
activities, or training provided by the school is being conducted 931
on the parcel of real property at the time a criminal offense is 932
committed. 933

(S) "School building" means any building in which any of the 934
instruction, extracurricular activities, or training provided by a 935
school is conducted, whether or not any instruction, 936
extracurricular activities, or training provided by the school is 937

being conducted in the school building at the time a criminal 938
offense is committed. 939

(T) "Disciplinary counsel" means the disciplinary counsel 940
appointed by the board of commissioners on grievances and 941
discipline of the supreme court under the Rules for the Government 942
of the Bar of Ohio. 943

(U) "Certified grievance committee" means a duly constituted 944
and organized committee of the Ohio state bar association or of 945
one or more local bar associations of the state of Ohio that 946
complies with the criteria set forth in Rule V, section 6 of the 947
Rules for the Government of the Bar of Ohio. 948

(V) "Professional license" means any license, permit, 949
certificate, registration, qualification, admission, temporary 950
license, temporary permit, temporary certificate, or temporary 951
registration that is described in divisions (W)(1) to (36) of this 952
section and that qualifies a person as a professionally licensed 953
person. 954

(W) "Professionally licensed person" means any of the 955
following: 956

(1) A person who has obtained a license as a manufacturer of 957
controlled substances or a wholesaler of controlled substances 958
under Chapter 3719. of the Revised Code; 959

(2) A person who has received a certificate or temporary 960
certificate as a certified public accountant or who has registered 961
as a public accountant under Chapter 4701. of the Revised Code and 962
who holds an Ohio permit issued under that chapter; 963

(3) A person who holds a certificate of qualification to 964
practice architecture issued or renewed and registered under 965
Chapter 4703. of the Revised Code; 966

(4) A person who is registered as a landscape architect under 967

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| Chapter 4703. of the Revised Code or who holds a permit as a | 968 |
| landscape architect issued under that chapter; | 969 |
| (5) A person licensed under Chapter 4707. of the Revised | 970 |
| Code; | 971 |
| (6) A person who has been issued a certificate of | 972 |
| registration as a registered barber under Chapter 4709. of the | 973 |
| Revised Code; | 974 |
| (7) A person licensed and regulated to engage in the business | 975 |
| of a debt pooling company by a legislative authority, under | 976 |
| authority of Chapter 4710. of the Revised Code; | 977 |
| (8) A person who has been issued a cosmetologist's license, | 978 |
| hair designer's license, manicurist's license, esthetician's | 979 |
| license, natural hair stylist's license, managing cosmetologist's | 980 |
| license, managing hair designer's license, managing manicurist's | 981 |
| license, managing esthetician's license, managing natural hair | 982 |
| stylist's license, cosmetology instructor's license, hair design | 983 |
| instructor's license, manicurist instructor's license, esthetics | 984 |
| instructor's license, natural hair style instructor's license, | 985 |
| independent contractor's license, or tanning facility permit under | 986 |
| Chapter 4713. of the Revised Code; | 987 |
| (9) A person who has been issued a license to practice | 988 |
| dentistry, a general anesthesia permit, a conscious intravenous | 989 |
| sedation permit, a limited resident's license, a limited teaching | 990 |
| license, a dental hygienist's license, or a dental hygienist's | 991 |
| teacher's certificate under Chapter 4715. of the Revised Code; | 992 |
| (10) A person who has been issued an embalmer's license, a | 993 |
| funeral director's license, a funeral home license, or a crematory | 994 |
| license, or who has been registered for an embalmer's or funeral | 995 |
| director's apprenticeship under Chapter 4717. of the Revised Code; | 996 |
| (11) A person who has been licensed as a registered nurse or | 997 |
| practical nurse, or who has been issued a certificate for the | 998 |

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| practice of nurse-midwifery under Chapter 4723. of the Revised Code; | 999 1000 |
| (12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code; | 1001 1002 1003 |
| (13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code; | 1004 1005 |
| (14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code; | 1006 1007 |
| (15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code; | 1008 1009 1010 1011 |
| (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; | 1012 1013 |
| (17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code; | 1014 1015 1016 1017 |
| (18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code; | 1018 1019 |
| (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; | 1020 1021 |
| (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; | 1022 1023 |
| (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; | 1024 1025 |
| (22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code; | 1026 1027 |

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| (23) A person licensed to operate or maintain a junkyard | 1028 |
| under Chapter 4737. of the Revised Code; | 1029 |
| (24) A person who has been issued a motor vehicle salvage | 1030 |
| dealer's license under Chapter 4738. of the Revised Code; | 1031 |
| (25) A person who has been licensed to act as a steam | 1032 |
| engineer under Chapter 4739. of the Revised Code; | 1033 |
| (26) A person who has been issued a license or temporary | 1034 |
| permit to practice veterinary medicine or any of its branches, or | 1035 |
| who is registered as a graduate animal technician under Chapter | 1036 |
| 4741. of the Revised Code; | 1037 |
| (27) A person who has been issued a hearing aid dealer's or | 1038 |
| fitter's license or trainee permit under Chapter 4747. of the | 1039 |
| Revised Code; | 1040 |
| (28) A person who has been issued a class A, class B, or | 1041 |
| class C license or who has been registered as an investigator or | 1042 |
| security guard employee under Chapter 4749. of the Revised Code; | 1043 |
| (29) A person licensed and registered to practice as a | 1044 |
| nursing home administrator under Chapter 4751. of the Revised | 1045 |
| Code; | 1046 |
| (30) A person licensed to practice as a speech-language | 1047 |
| pathologist or audiologist under Chapter 4753. of the Revised | 1048 |
| Code; | 1049 |
| (31) A person issued a license as an occupational therapist | 1050 |
| or physical therapist under Chapter 4755. of the Revised Code; | 1051 |
| (32) A person who is licensed as a professional clinical | 1052 |
| counselor or professional counselor, licensed as a social worker | 1053 |
| or independent social worker, or registered as a social work | 1054 |
| assistant under Chapter 4757. of the Revised Code; | 1055 |
| (33) A person issued a license to practice dietetics under | 1056 |
| Chapter 4759. of the Revised Code; | 1057 |

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

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(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

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(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

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(X) "Cocaine" means any of the following:

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(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

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(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

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(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

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(Y) "L.S.D." means lysergic acid diethylamide.

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(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

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(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether

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the offender knows the age of the juvenile, whether the offender 1088
knows the offense is being committed within one hundred feet of or 1089
within view of the juvenile, or whether the juvenile actually 1090
views the commission of the offense. 1091

(CC) "Presumption for a prison term" or "presumption that a 1092
prison term shall be imposed" means a presumption, as described in 1093
division (D) of section 2929.13 of the Revised Code, that a prison 1094
term is a necessary sanction for a felony in order to comply with 1095
the purposes and principles of sentencing under section 2929.11 of 1096
the Revised Code. 1097

(DD) "Major drug offender" has the same meaning as in section 1098
2929.01 of the Revised Code. 1099

(EE) "Minor drug possession offense" means either of the 1100
following: 1101

(1) A violation of section 2925.11 of the Revised Code as it 1102
existed prior to July 1, 1996; 1103

(2) A violation of section 2925.11 of the Revised Code as it 1104
exists on and after July 1, 1996, that is a misdemeanor or a 1105
felony of the fifth degree. 1106

(FF) "Mandatory prison term" has the same meaning as in 1107
section 2929.01 of the Revised Code. 1108

(GG) "Crack cocaine" means a compound, mixture, preparation, 1109
or substance that is or contains any amount of cocaine that is 1110
analytically identified as the base form of cocaine or that is in 1111
a form that resembles rocks or pebbles generally intended for 1112
individual use. 1113

(HH) "Adulterate" means to cause a drug to be adulterated as 1114
described in section 3715.63 of the Revised Code. 1115

(II) "Public premises" means any hotel, restaurant, tavern, 1116
store, arena, hall, or other place of public accommodation, 1117

business, amusement, or resort. 1118

(JJ) "Methamphetamine" means methamphetamine, any salt, 1119
isomer, or salt of an isomer of methamphetamine, or any compound, 1120
mixture, preparation, or substance containing methamphetamine or 1121
any salt, isomer, or salt of an isomer of methamphetamine. 1122

(KK) "Lawful prescription" means a prescription that is 1123
issued for a legitimate medical purpose by a licensed health 1124
professional authorized to prescribe drugs, that is not altered or 1125
forged, and that was not obtained by means of deception or by the 1126
commission of any theft offense. 1127

(LL) "Deception" and "theft offense" have the same meanings 1128
as in section 2913.01 of the Revised Code. 1129

Sec. 2925.03. (A) No person shall knowingly do any of the 1130
following: 1131

(1) Sell or offer to sell a controlled substance; 1132

(2) Prepare for shipment, ship, transport, deliver, prepare 1133
for distribution, or distribute a controlled substance, when the 1134
offender knows or has reasonable cause to believe that the 1135
controlled substance is intended for sale or resale by the 1136
offender or another person. 1137

(B) This section does not apply to any of the following: 1138

(1) Manufacturers, licensed health professionals authorized 1139
to prescribe drugs, pharmacists, owners of pharmacies, and other 1140
persons whose conduct is in accordance with Chapters 3719., 4715., 1141
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1142

(2) If the offense involves an anabolic steroid, any person 1143
who is conducting or participating in a research project involving 1144
the use of an anabolic steroid if the project has been approved by 1145
the United States food and drug administration; 1146

(3) Any person who sells, offers for sale, prescribes, 1147
dispenses, or administers for livestock or other nonhuman species 1148
an anabolic steroid that is expressly intended for administration 1149
through implants to livestock or other nonhuman species and 1150
approved for that purpose under the "Federal Food, Drug, and 1151
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1152
and is sold, offered for sale, prescribed, dispensed, or 1153
administered for that purpose in accordance with that act. 1154

(C) Whoever violates division (A) of this section is guilty 1155
of one of the following: 1156

(1) If the drug involved in the violation is any compound, 1157
mixture, preparation, or substance included in schedule I or 1158
schedule II, with the exception of marihuana, cocaine, L.S.D., 1159
heroin, and hashish, whoever violates division (A) of this section 1160
is guilty of aggravated trafficking in drugs. The penalty for the 1161
offense shall be determined as follows: 1162

(a) Except as otherwise provided in division (C)(1)(b), (c), 1163
(d), (e), or (f) of this section, aggravated trafficking in drugs 1164
is a felony of the fourth degree, and division (C) of section 1165
2929.13 of the Revised Code applies in determining whether to 1166
impose a prison term on the offender. 1167

(b) Except as otherwise provided in division (C)(1)(c), (d), 1168
(e), or (f) of this section, if the offense was committed in the 1169
vicinity of a school or in the vicinity of a juvenile, aggravated 1170
trafficking in drugs is a felony of the third degree, and division 1171
(C) of section 2929.13 of the Revised Code applies in determining 1172
whether to impose a prison term on the offender. 1173

(c) Except as otherwise provided in this division, if the 1174
amount of the drug involved equals or exceeds the bulk amount but 1175
is less than five times the bulk amount, aggravated trafficking in 1176
drugs is a felony of the third degree, and the court shall impose 1177

as a mandatory prison term one of the prison terms prescribed for 1178
a felony of the third degree. If the amount of the drug involved 1179
is within that range and if the offense was committed in the 1180
vicinity of a school or in the vicinity of a juvenile, aggravated 1181
trafficking in drugs is a felony of the second degree, and the 1182
court shall impose as a mandatory prison term one of the prison 1183
terms prescribed for a felony of the second degree. 1184

(d) Except as otherwise provided in this division, if the 1185
amount of the drug involved equals or exceeds five times the bulk 1186
amount but is less than fifty times the bulk amount, aggravated 1187
trafficking in drugs is a felony of the second degree, and the 1188
court shall impose as a mandatory prison term one of the prison 1189
terms prescribed for a felony of the second degree. If the amount 1190
of the drug involved is within that range and if the offense was 1191
committed in the vicinity of a school or in the vicinity of a 1192
juvenile, aggravated trafficking in drugs is a felony of the first 1193
degree, and the court shall impose as a mandatory prison term one 1194
of the prison terms prescribed for a felony of the first degree. 1195

(e) If the amount of the drug involved equals or exceeds 1196
fifty times the bulk amount but is less than one hundred times the 1197
bulk amount and regardless of whether the offense was committed in 1198
the vicinity of a school or in the vicinity of a juvenile, 1199
aggravated trafficking in drugs is a felony of the first degree, 1200
and the court shall impose as a mandatory prison term one of the 1201
prison terms prescribed for a felony of the first degree. 1202

(f) If the amount of the drug involved equals or exceeds one 1203
hundred times the bulk amount and regardless of whether the 1204
offense was committed in the vicinity of a school or in the 1205
vicinity of a juvenile, aggravated trafficking in drugs is a 1206
felony of the first degree, the offender is a major drug offender, 1207
and the court shall impose as a mandatory prison term the maximum 1208
prison term prescribed for a felony of the first degree and may 1209

impose an additional prison term prescribed for a major drug 1210
offender under division (D)(3)(b) of section 2929.14 of the 1211
Revised Code. 1212

(2) If the drug involved in the violation is any compound, 1213
mixture, preparation, or substance included in schedule III, IV, 1214
or V, whoever violates division (A) of this section is guilty of 1215
trafficking in drugs. The penalty for the offense shall be 1216
determined as follows: 1217

(a) Except as otherwise provided in division (C)(2)(b), (c), 1218
(d), or (e) of this section, trafficking in drugs is a felony of 1219
the fifth degree, and division (C) of section 2929.13 of the 1220
Revised Code applies in determining whether to impose a prison 1221
term on the offender. 1222

(b) Except as otherwise provided in division (C)(2)(c), (d), 1223
or (e) of this section, if the offense was committed in the 1224
vicinity of a school or in the vicinity of a juvenile, trafficking 1225
in drugs is a felony of the fourth degree, and division (C) of 1226
section 2929.13 of the Revised Code applies in determining whether 1227
to impose a prison term on the offender. 1228

(c) Except as otherwise provided in this division, if the 1229
amount of the drug involved equals or exceeds the bulk amount but 1230
is less than five times the bulk amount, trafficking in drugs is a 1231
felony of the fourth degree, and there is a presumption for a 1232
prison term for the offense. If the amount of the drug involved is 1233
within that range and if the offense was committed in the vicinity 1234
of a school or in the vicinity of a juvenile, trafficking in drugs 1235
is a felony of the third degree, and there is a presumption for a 1236
prison term for the offense. 1237

(d) Except as otherwise provided in this division, if the 1238
amount of the drug involved equals or exceeds five times the bulk 1239
amount but is less than fifty times the bulk amount, trafficking 1240

in drugs is a felony of the third degree, and there is a 1241
presumption for a prison term for the offense. If the amount of 1242
the drug involved is within that range and if the offense was 1243
committed in the vicinity of a school or in the vicinity of a 1244
juvenile, trafficking in drugs is a felony of the second degree, 1245
and there is a presumption for a prison term for the offense. 1246

(e) Except as otherwise provided in this division, if the 1247
amount of the drug involved equals or exceeds fifty times the bulk 1248
amount, trafficking in drugs is a felony of the second degree, and 1249
the court shall impose as a mandatory prison term one of the 1250
prison terms prescribed for a felony of the second degree. If the 1251
amount of the drug involved equals or exceeds fifty times the bulk 1252
amount and if the offense was committed in the vicinity of a 1253
school or in the vicinity of a juvenile, trafficking in drugs is a 1254
felony of the first degree, and the court shall impose as a 1255
mandatory prison term one of the prison terms prescribed for a 1256
felony of the first degree. 1257

(3) If the drug involved in the violation is marihuana or a 1258
compound, mixture, preparation, or substance containing marihuana 1259
other than hashish, whoever violates division (A) of this section 1260
is guilty of trafficking in marihuana. The penalty for the offense 1261
shall be determined as follows: 1262

(a) Except as otherwise provided in division (C)(3)(b), (c), 1263
(d), (e), (f), or (g) of this section, trafficking in marihuana is 1264
a felony of the fifth degree, and division (C) of section 2929.13 1265
of the Revised Code applies in determining whether to impose a 1266
prison term on the offender. 1267

(b) Except as otherwise provided in division (C)(3)(c), (d), 1268
(e), (f), or (g) of this section, if the offense was committed in 1269
the vicinity of a school or in the vicinity of a juvenile, 1270
trafficking in marihuana is a felony of the fourth degree, and 1271
division (C) of section 2929.13 of the Revised Code applies in 1272

determining whether to impose a prison term on the offender. 1273

(c) Except as otherwise provided in this division, if the 1274
amount of the drug involved equals or exceeds two hundred grams 1275
but is less than one thousand grams, trafficking in marihuana is a 1276
felony of the fourth degree, and division (C) of section 2929.13 1277
of the Revised Code applies in determining whether to impose a 1278
prison term on the offender. If the amount of the drug involved is 1279
within that range and if the offense was committed in the vicinity 1280
of a school or in the vicinity of a juvenile, trafficking in 1281
marihuana is a felony of the third degree, and division (C) of 1282
section 2929.13 of the Revised Code applies in determining whether 1283
to impose a prison term on the offender. 1284

(d) Except as otherwise provided in this division, if the 1285
amount of the drug involved equals or exceeds one thousand grams 1286
but is less than five thousand grams, trafficking in marihuana is 1287
a felony of the third degree, and division (C) of section 2929.13 1288
of the Revised Code applies in determining whether to impose a 1289
prison term on the offender. If the amount of the drug involved is 1290
within that range and if the offense was committed in the vicinity 1291
of a school or in the vicinity of a juvenile, trafficking in 1292
marihuana is a felony of the second degree, and there is a 1293
presumption that a prison term shall be imposed for the offense. 1294

(e) Except as otherwise provided in this division, if the 1295
amount of the drug involved equals or exceeds five thousand grams 1296
but is less than twenty thousand grams, trafficking in marihuana 1297
is a felony of the third degree, and there is a presumption that a 1298
prison term shall be imposed for the offense. If the amount of the 1299
drug involved is within that range and if the offense was 1300
committed in the vicinity of a school or in the vicinity of a 1301
juvenile, trafficking in marihuana is a felony of the second 1302
degree, and there is a presumption that a prison term shall be 1303
imposed for the offense. 1304

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds twenty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of trafficking in cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(4)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile,

trafficking in cocaine is a felony of the fourth degree, and 1337
division (C) of section 2929.13 of the Revised Code applies in 1338
determining whether to impose a prison term on the offender. 1339

(c) Except as otherwise provided in this division, if the 1340
amount of the drug involved equals or exceeds five grams but is 1341
less than ten grams of cocaine that is not crack cocaine or equals 1342
or exceeds one gram but is less than five grams of crack cocaine, 1343
trafficking in cocaine is a felony of the fourth degree, and there 1344
is a presumption for a prison term for the offense. If the amount 1345
of the drug involved is within one of those ranges and if the 1346
offense was committed in the vicinity of a school or in the 1347
vicinity of a juvenile, trafficking in cocaine is a felony of the 1348
third degree, and there is a presumption for a prison term for the 1349
offense. 1350

(d) Except as otherwise provided in this division, if the 1351
amount of the drug involved equals or exceeds ten grams but is 1352
less than one hundred grams of cocaine that is not crack cocaine 1353
or equals or exceeds five grams but is less than ten grams of 1354
crack cocaine, trafficking in cocaine is a felony of the third 1355
degree, and the court shall impose as a mandatory prison term one 1356
of the prison terms prescribed for a felony of the third degree. 1357
If the amount of the drug involved is within one of those ranges 1358
and if the offense was committed in the vicinity of a school or in 1359
the vicinity of a juvenile, trafficking in cocaine is a felony of 1360
the second degree, and the court shall impose as a mandatory 1361
prison term one of the prison terms prescribed for a felony of the 1362
second degree. 1363

(e) Except as otherwise provided in this division, if the 1364
amount of the drug involved equals or exceeds one hundred grams 1365
but is less than five hundred grams of cocaine that is not crack 1366
cocaine or equals or exceeds ten grams but is less than 1367
twenty-five grams of crack cocaine, trafficking in cocaine is a 1368

felony of the second degree, and the court shall impose as a 1369
mandatory prison term one of the prison terms prescribed for a 1370
felony of the second degree. If the amount of the drug involved is 1371
within one of those ranges and if the offense was committed in the 1372
vicinity of a school or in the vicinity of a juvenile, trafficking 1373
in cocaine is a felony of the first degree, and the court shall 1374
impose as a mandatory prison term one of the prison terms 1375
prescribed for a felony of the first degree. 1376

(f) If the amount of the drug involved equals or exceeds five 1377
hundred grams but is less than one thousand grams of cocaine that 1378
is not crack cocaine or equals or exceeds twenty-five grams but is 1379
less than one hundred grams of crack cocaine and regardless of 1380
whether the offense was committed in the vicinity of a school or 1381
in the vicinity of a juvenile, trafficking in cocaine is a felony 1382
of the first degree, and the court shall impose as a mandatory 1383
prison term one of the prison terms prescribed for a felony of the 1384
first degree. 1385

(g) If the amount of the drug involved equals or exceeds one 1386
thousand grams of cocaine that is not crack cocaine or equals or 1387
exceeds one hundred grams of crack cocaine and regardless of 1388
whether the offense was committed in the vicinity of a school or 1389
in the vicinity of a juvenile, trafficking in cocaine is a felony 1390
of the first degree, the offender is a major drug offender, and 1391
the court shall impose as a mandatory prison term the maximum 1392
prison term prescribed for a felony of the first degree and may 1393
impose an additional mandatory prison term prescribed for a major 1394
drug offender under division (D)(3)(b) of section 2929.14 of the 1395
Revised Code. 1396

(5) If the drug involved in the violation is L.S.D. or a 1397
compound, mixture, preparation, or substance containing L.S.D., 1398
whoever violates division (A) of this section is guilty of 1399
trafficking in L.S.D. The penalty for the offense shall be 1400

determined as follows: 1401

(a) Except as otherwise provided in division (C)(5)(b), (c), 1402
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 1403
felony of the fifth degree, and division (C) of section 2929.13 of 1404
the Revised Code applies in determining whether to impose a prison 1405
term on the offender. 1406

(b) Except as otherwise provided in division (C)(5)(c), (d), 1407
(e), (f), or (g) of this section, if the offense was committed in 1408
the vicinity of a school or in the vicinity of a juvenile, 1409
trafficking in L.S.D. is a felony of the fourth degree, and 1410
division (C) of section 2929.13 of the Revised Code applies in 1411
determining whether to impose a prison term on the offender. 1412

(c) Except as otherwise provided in this division, if the 1413
amount of the drug involved equals or exceeds ten unit doses but 1414
is less than fifty unit doses of L.S.D. in a solid form or equals 1415
or exceeds one gram but is less than five grams of L.S.D. in a 1416
liquid concentrate, liquid extract, or liquid distillate form, 1417
trafficking in L.S.D. is a felony of the fourth degree, and there 1418
is a presumption for a prison term for the offense. If the amount 1419
of the drug involved is within that range and if the offense was 1420
committed in the vicinity of a school or in the vicinity of a 1421
juvenile, trafficking in L.S.D. is a felony of the third degree, 1422
and there is a presumption for a prison term for the offense. 1423

(d) Except as otherwise provided in this division, if the 1424
amount of the drug involved equals or exceeds fifty unit doses but 1425
is less than two hundred fifty unit doses of L.S.D. in a solid 1426
form or equals or exceeds five grams but is less than twenty-five 1427
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 1428
distillate form, trafficking in L.S.D. is a felony of the third 1429
degree, and the court shall impose as a mandatory prison term one 1430
of the prison terms prescribed for a felony of the third degree. 1431
If the amount of the drug involved is within that range and if the 1432

offense was committed in the vicinity of a school or in the 1433
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1434
second degree, and the court shall impose as a mandatory prison 1435
term one of the prison terms prescribed for a felony of the second 1436
degree. 1437

(e) Except as otherwise provided in this division, if the 1438
amount of the drug involved equals or exceeds two hundred fifty 1439
unit doses but is less than one thousand unit doses of L.S.D. in a 1440
solid form or equals or exceeds twenty-five grams but is less than 1441
one hundred grams of L.S.D. in a liquid concentrate, liquid 1442
extract, or liquid distillate form, trafficking in L.S.D. is a 1443
felony of the second degree, and the court shall impose as a 1444
mandatory prison term one of the prison terms prescribed for a 1445
felony of the second degree. If the amount of the drug involved is 1446
within that range and if the offense was committed in the vicinity 1447
of a school or in the vicinity of a juvenile, trafficking in 1448
L.S.D. is a felony of the first degree, and the court shall impose 1449
as a mandatory prison term one of the prison terms prescribed for 1450
a felony of the first degree. 1451

(f) If the amount of the drug involved equals or exceeds one 1452
thousand unit doses but is less than five thousand unit doses of 1453
L.S.D. in a solid form or equals or exceeds one hundred grams but 1454
is less than five hundred grams of L.S.D. in a liquid concentrate, 1455
liquid extract, or liquid distillate form and regardless of 1456
whether the offense was committed in the vicinity of a school or 1457
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1458
of the first degree, and the court shall impose as a mandatory 1459
prison term one of the prison terms prescribed for a felony of the 1460
first degree. 1461

(g) If the amount of the drug involved equals or exceeds five 1462
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1463
five hundred grams of L.S.D. in a liquid concentrate, liquid 1464

extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of trafficking in heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(6)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school

or in the vicinity of a juvenile, trafficking in heroin is a 1497
felony of the third degree, and there is a presumption for a 1498
prison term for the offense. 1499

(d) Except as otherwise provided in this division, if the 1500
amount of the drug involved equals or exceeds fifty unit doses but 1501
is less than one hundred unit doses or equals or exceeds five 1502
grams but is less than ten grams, trafficking in heroin is a 1503
felony of the third degree, and there is a presumption for a 1504
prison term for the offense. If the amount of the drug involved is 1505
within that range and if the offense was committed in the vicinity 1506
of a school or in the vicinity of a juvenile, trafficking in 1507
heroin is a felony of the second degree, and there is a 1508
presumption for a prison term for the offense. 1509

(e) Except as otherwise provided in this division, if the 1510
amount of the drug involved equals or exceeds one hundred unit 1511
doses but is less than five hundred unit doses or equals or 1512
exceeds ten grams but is less than fifty grams, trafficking in 1513
heroin is a felony of the second degree, and the court shall 1514
impose as a mandatory prison term one of the prison terms 1515
prescribed for a felony of the second degree. If the amount of the 1516
drug involved is within that range and if the offense was 1517
committed in the vicinity of a school or in the vicinity of a 1518
juvenile, trafficking in heroin is a felony of the first degree, 1519
and the court shall impose as a mandatory prison term one of the 1520
prison terms prescribed for a felony of the first degree. 1521

(f) If the amount of the drug involved equals or exceeds five 1522
hundred unit doses but is less than two thousand five hundred unit 1523
doses or equals or exceeds fifty grams but is less than two 1524
hundred fifty grams and regardless of whether the offense was 1525
committed in the vicinity of a school or in the vicinity of a 1526
juvenile, trafficking in heroin is a felony of the first degree, 1527
and the court shall impose as a mandatory prison term one of the 1528

prison terms prescribed for a felony of the first degree. 1529

(g) If the amount of the drug involved equals or exceeds two 1530
thousand five hundred unit doses or equals or exceeds two hundred 1531
fifty grams and regardless of whether the offense was committed in 1532
the vicinity of a school or in the vicinity of a juvenile, 1533
trafficking in heroin is a felony of the first degree, the 1534
offender is a major drug offender, and the court shall impose as a 1535
mandatory prison term the maximum prison term prescribed for a 1536
felony of the first degree and may impose an additional mandatory 1537
prison term prescribed for a major drug offender under division 1538
(D)(3)(b) of section 2929.14 of the Revised Code. 1539

(7) If the drug involved in the violation is hashish or a 1540
compound, mixture, preparation, or substance containing hashish, 1541
whoever violates division (A) of this section is guilty of 1542
trafficking in hashish. The penalty for the offense shall be 1543
determined as follows: 1544

(a) Except as otherwise provided in division (C)(7)(b), (c), 1545
(d), (e), or (f) of this section, trafficking in hashish is a 1546
felony of the fifth degree, and division (C) of section 2929.13 of 1547
the Revised Code applies in determining whether to impose a prison 1548
term on the offender. 1549

(b) Except as otherwise provided in division (C)(7)(c), (d), 1550
(e), or (f) of this section, if the offense was committed in the 1551
vicinity of a school or in the vicinity of a juvenile, trafficking 1552
in hashish is a felony of the fourth degree, and division (C) of 1553
section 2929.13 of the Revised Code applies in determining whether 1554
to impose a prison term on the offender. 1555

(c) Except as otherwise provided in this division, if the 1556
amount of the drug involved equals or exceeds ten grams but is 1557
less than fifty grams of hashish in a solid form or equals or 1558
exceeds two grams but is less than ten grams of hashish in a 1559

liquid concentrate, liquid extract, or liquid distillate form, 1560
trafficking in hashish is a felony of the fourth degree, and 1561
division (C) of section 2929.13 of the Revised Code applies in 1562
determining whether to impose a prison term on the offender. If 1563
the amount of the drug involved is within that range and if the 1564
offense was committed in the vicinity of a school or in the 1565
vicinity of a juvenile, trafficking in hashish is a felony of the 1566
third degree, and division (C) of section 2929.13 of the Revised 1567
Code applies in determining whether to impose a prison term on the 1568
offender. 1569

(d) Except as otherwise provided in this division, if the 1570
amount of the drug involved equals or exceeds fifty grams but is 1571
less than two hundred fifty grams of hashish in a solid form or 1572
equals or exceeds ten grams but is less than fifty grams of 1573
hashish in a liquid concentrate, liquid extract, or liquid 1574
distillate form, trafficking in hashish is a felony of the third 1575
degree, and division (C) of section 2929.13 of the Revised Code 1576
applies in determining whether to impose a prison term on the 1577
offender. If the amount of the drug involved is within that range 1578
and if the offense was committed in the vicinity of a school or in 1579
the vicinity of a juvenile, trafficking in hashish is a felony of 1580
the second degree, and there is a presumption that a prison term 1581
shall be imposed for the offense. 1582

(e) Except as otherwise provided in this division, if the 1583
amount of the drug involved equals or exceeds two hundred fifty 1584
grams but is less than one thousand grams of hashish in a solid 1585
form or equals or exceeds fifty grams but is less than two hundred 1586
grams of hashish in a liquid concentrate, liquid extract, or 1587
liquid distillate form, trafficking in hashish is a felony of the 1588
third degree, and there is a presumption that a prison term shall 1589
be imposed for the offense. If the amount of the drug involved is 1590
within that range and if the offense was committed in the vicinity 1591

of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams of hashish in a solid form or equals or exceeds two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to

division (F) of this section. If a person is charged with a 1624
violation of this section that is a felony of the first, second, 1625
or third degree, posts bail, and forfeits the bail, the clerk of 1626
the court shall pay the forfeited bail pursuant to divisions 1627
(D)(1) and (F) of this section, as if the forfeited bail was a 1628
fine imposed for a violation of this section. If any amount of the 1629
forfeited bail remains after that payment and if a fine is imposed 1630
under division (H)(1) of this section, the clerk of the court 1631
shall pay the remaining amount of the forfeited bail pursuant to 1632
divisions (H)(2) and (3) of this section, as if that remaining 1633
amount was a fine imposed under division (H)(1) of this section. 1634

(2) The court shall suspend the driver's or commercial 1635
driver's license or permit of the offender in accordance with 1636
division (G) of this section. 1637

(3) If the offender is a professionally licensed person, the 1638
court immediately shall comply with section 2925.38 of the Revised 1639
Code. 1640

(E) When a person is charged with the sale of or offer to 1641
sell a bulk amount or a multiple of a bulk amount of a controlled 1642
substance, the jury, or the court trying the accused, shall 1643
determine the amount of the controlled substance involved at the 1644
time of the offense and, if a guilty verdict is returned, shall 1645
return the findings as part of the verdict. In any such case, it 1646
is unnecessary to find and return the exact amount of the 1647
controlled substance involved, and it is sufficient if the finding 1648
and return is to the effect that the amount of the controlled 1649
substance involved is the requisite amount, or that the amount of 1650
the controlled substance involved is less than the requisite 1651
amount. 1652

(F)(1) Notwithstanding any contrary provision of section 1653
3719.21 of the Revised Code and except as provided in division (H) 1654
of this section, the clerk of the court shall pay any mandatory 1655

fine imposed pursuant to division (D)(1) of this section and any 1656
fine other than a mandatory fine that is imposed for a violation 1657
of this section pursuant to division (A) or (B)(5) of section 1658
2929.18 of the Revised Code to the county, township, municipal 1659
corporation, park district, as created pursuant to section 511.18 1660
or 1545.04 of the Revised Code, or state law enforcement agencies 1661
in this state that primarily were responsible for or involved in 1662
making the arrest of, and in prosecuting, the offender. However, 1663
the clerk shall not pay a mandatory fine so imposed to a law 1664
enforcement agency unless the agency has adopted a written 1665
internal control policy under division (F)(2) of this section that 1666
addresses the use of the fine moneys that it receives. Each agency 1667
shall use the mandatory fines so paid to subsidize the agency's 1668
law enforcement efforts that pertain to drug offenses, in 1669
accordance with the written internal control policy adopted by the 1670
recipient agency under division (F)(2) of this section. 1671

(2)(a) Prior to receiving any fine moneys under division 1672
(F)(1) of this section or division (B) of section 2925.42 of the 1673
Revised Code, a law enforcement agency shall adopt a written 1674
internal control policy that addresses the agency's use and 1675
disposition of all fine moneys so received and that provides for 1676
the keeping of detailed financial records of the receipts of those 1677
fine moneys, the general types of expenditures made out of those 1678
fine moneys, and the specific amount of each general type of 1679
expenditure. The policy shall not provide for or permit the 1680
identification of any specific expenditure that is made in an 1681
ongoing investigation. All financial records of the receipts of 1682
those fine moneys, the general types of expenditures made out of 1683
those fine moneys, and the specific amount of each general type of 1684
expenditure by an agency are public records open for inspection 1685
under section 149.43 of the Revised Code. Additionally, a written 1686
internal control policy adopted under this division is such a 1687
public record, and the agency that adopted it shall comply with 1688

it. 1689

(b) Each law enforcement agency that receives in any calendar 1690
year any fine moneys under division (F)(1) of this section or 1691
division (B) of section 2925.42 of the Revised Code shall prepare 1692
a report covering the calendar year that cumulates all of the 1693
information contained in all of the public financial records kept 1694
by the agency pursuant to division (F)(2)(a) of this section for 1695
that calendar year, and shall send a copy of the cumulative 1696
report, no later than the first day of March in the calendar year 1697
following the calendar year covered by the report, to the attorney 1698
general. Each report received by the attorney general is a public 1699
record open for inspection under section 149.43 of the Revised 1700
Code. Not later than the fifteenth day of April in the calendar 1701
year in which the reports are received, the attorney general shall 1702
send to the president of the senate and the speaker of the house 1703
of representatives a written notification that does all of the 1704
following: 1705

(i) Indicates that the attorney general has received from law 1706
enforcement agencies reports of the type described in this 1707
division that cover the previous calendar year and indicates that 1708
the reports were received under this division; 1709

(ii) Indicates that the reports are open for inspection under 1710
section 149.43 of the Revised Code; 1711

(iii) Indicates that the attorney general will provide a copy 1712
of any or all of the reports to the president of the senate or the 1713
speaker of the house of representatives upon request. 1714

(3) As used in division (F) of this section: 1715

(a) "Law enforcement agencies" includes, but is not limited 1716
to, the state board of pharmacy and the office of a prosecutor. 1717

(b) "Prosecutor" has the same meaning as in section 2935.01 1718
of the Revised Code. 1719

(G) When required under division (D)(2) of this section or 1720
any other provision of this chapter, the court shall suspend for 1721
not less than six months or more than five years the driver's or 1722
commercial driver's license or permit of any person who is 1723
convicted of or pleads guilty to any violation of this section or 1724
any other specified provision of this chapter. If an offender's 1725
driver's or commercial driver's license or permit is suspended 1726
pursuant to this division, the offender, at any time after the 1727
expiration of two years from the day on which the offender's 1728
sentence was imposed or from the day on which the offender finally 1729
was released from a prison term under the sentence, whichever is 1730
later, may file a motion with the sentencing court requesting 1731
termination of the suspension; upon the filing of such a motion 1732
and the court's finding of good cause for the termination, the 1733
court may terminate the suspension. 1734

(H)(1) In addition to any prison term authorized or required 1735
by division (C) of this section and sections 2929.13 and 2929.14 1736
of the Revised Code, in addition to any other penalty or sanction 1737
imposed for the offense under this section or sections 2929.11 to 1738
2929.18 of the Revised Code, and in addition to the forfeiture of 1739
property in connection with the offense as prescribed in Chapter 1740
2981. of the Revised Code, the court that sentences an offender 1741
who is convicted of or pleads guilty to a violation of division 1742
(A) of this section may impose upon the offender an additional 1743
fine specified for the offense in division (B)(4) of section 1744
2929.18 of the Revised Code. A fine imposed under division (H)(1) 1745
of this section is not subject to division (F) of this section and 1746
shall be used solely for the support of one or more eligible 1747
alcohol and drug addiction programs in accordance with divisions 1748
(H)(2) and (3) of this section. 1749

(2) The court that imposes a fine under division (H)(1) of 1750
this section shall specify in the judgment that imposes the fine 1751

one or more eligible alcohol and drug addiction programs for the support of which the fine money is to be used. No alcohol and drug addiction program shall receive or use money paid or collected in satisfaction of a fine imposed under division (H)(1) of this section unless the program is specified in the judgment that imposes the fine. No alcohol and drug addiction program shall be specified in the judgment unless the program is an eligible alcohol and drug addiction program and, except as otherwise provided in division (H)(2) of this section, unless the program is located in the county in which the court that imposes the fine is located or in a county that is immediately contiguous to the county in which that court is located. If no eligible alcohol and drug addiction program is located in any of those counties, the judgment may specify an eligible alcohol and drug addiction program that is located anywhere within this state.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed under division (H)(1) of this section to the eligible alcohol and drug addiction program specified pursuant to division (H)(2) of this section in the judgment. The eligible alcohol and drug addiction program that receives the fine moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification under section 3793.06 of the Revised Code or in the application for a license under section 3793.11 of the Revised Code filed with the department of alcohol and drug addiction services by the alcohol and drug addiction program specified in the judgment.

(4) Each alcohol and drug addiction program that receives in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the program is located, with

the court of common pleas and the board of county commissioners of 1784
each county from which the program received the moneys if that 1785
county is different from the county in which the program is 1786
located, and with the attorney general. The alcohol and drug 1787
addiction program shall file the report no later than the first 1788
day of March in the calendar year following the calendar year in 1789
which the program received the fine moneys. The report shall 1790
include statistics on the number of persons served by the alcohol 1791
and drug addiction program, identify the types of alcohol and drug 1792
addiction services provided to those persons, and include a 1793
specific accounting of the purposes for which the fine moneys 1794
received were used. No information contained in the report shall 1795
identify, or enable a person to determine the identity of, any 1796
person served by the alcohol and drug addiction program. Each 1797
report received by a court of common pleas, a board of county 1798
commissioners, or the attorney general is a public record open for 1799
inspection under section 149.43 of the Revised Code. 1800

(5) As used in divisions (H)(1) to (5) of this section: 1801

(a) "Alcohol and drug addiction program" and "alcohol and 1802
drug addiction services" have the same meanings as in section 1803
3793.01 of the Revised Code. 1804

(b) "Eligible alcohol and drug addiction program" means an 1805
alcohol and drug addiction program that is certified under section 1806
3793.06 of the Revised Code or licensed under section 3793.11 of 1807
the Revised Code by the department of alcohol and drug addiction 1808
services. 1809

(I) As used in this section, "drug" includes any substance 1810
that is represented to be a drug. 1811

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 1812
or use a controlled substance. 1813

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|---|--|
| (B) This section does not apply to any of the following: | 1814 |
| (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; | 1815 1816 1817 1818 |
| (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration; | 1819 1820 1821 1822 |
| (3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act; | 1823 1824 1825 1826 1827 1828 1829 1830 |
| (4) Any person who obtained the controlled substance pursuant to a <u>lawful</u> prescription issued by a licensed health professional authorized to prescribe drugs. | 1831 1832 1833 |
| (C) Whoever violates division (A) of this section is guilty of one of the following: | 1834 1835 |
| (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows: | 1836 1837 1838 1839 1840 1841 |
| (a) Except as otherwise provided in division (C)(1)(b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of | 1842 1843 1844 |

the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b), (c),

or (d) of this section, possession of drugs is a misdemeanor of 1876
the ~~third~~ first degree or, if the offender previously has been 1877
convicted of a drug abuse offense, a ~~misdemeanor of the second~~ 1878
felony of the fifth degree. ~~If the drug involved in the violation~~ 1879
~~is an anabolic steroid included in schedule III and if the offense~~ 1880
~~is a misdemeanor of the third degree under this division, in lieu~~ 1881
~~of sentencing the offender to a term of imprisonment in a~~ 1882
~~detention facility, the court may place the offender under a~~ 1883
~~community control sanction, as defined in section 2929.01 of the~~ 1884
~~Revised Code, that requires the offender to perform supervised~~ 1885
~~community service work pursuant to division (B) of section 2951.02~~ 1886
~~of the Revised Code.~~ 1887

(b) If the amount of the drug involved equals or exceeds the 1888
bulk amount but is less than five times the bulk amount, 1889
possession of drugs is a felony of the fourth degree, and division 1890
(C) of section 2929.13 of the Revised Code applies in determining 1891
whether to impose a prison term on the offender. 1892

(c) If the amount of the drug involved equals or exceeds five 1893
times the bulk amount but is less than fifty times the bulk 1894
amount, possession of drugs is a felony of the third degree, and 1895
there is a presumption for a prison term for the offense. 1896

(d) If the amount of the drug involved equals or exceeds 1897
fifty times the bulk amount, possession of drugs is a felony of 1898
the second degree, and the court shall impose upon the offender as 1899
a mandatory prison term one of the prison terms prescribed for a 1900
felony of the second degree. 1901

(3) If the drug involved in the violation is marihuana or a 1902
compound, mixture, preparation, or substance containing marihuana 1903
other than hashish, whoever violates division (A) of this section 1904
is guilty of possession of marihuana. The penalty for the offense 1905
shall be determined as follows: 1906

(a) Except as otherwise provided in division (C)(3)(b), (c), 1907
(d), (e), or (f) of this section, possession of marihuana is a 1908
minor misdemeanor. 1909

(b) If the amount of the drug involved equals or exceeds one 1910
hundred grams but is less than two hundred grams, possession of 1911
marihuana is a misdemeanor of the fourth degree. 1912

(c) If the amount of the drug involved equals or exceeds two 1913
hundred grams but is less than one thousand grams, possession of 1914
marihuana is a felony of the fifth degree, and division (B) of 1915
section 2929.13 of the Revised Code applies in determining whether 1916
to impose a prison term on the offender. 1917

(d) If the amount of the drug involved equals or exceeds one 1918
thousand grams but is less than five thousand grams, possession of 1919
marihuana is a felony of the third degree, and division (C) of 1920
section 2929.13 of the Revised Code applies in determining whether 1921
to impose a prison term on the offender. 1922

(e) If the amount of the drug involved equals or exceeds five 1923
thousand grams but is less than twenty thousand grams, possession 1924
of marihuana is a felony of the third degree, and there is a 1925
presumption that a prison term shall be imposed for the offense. 1926

(f) If the amount of the drug involved equals or exceeds 1927
twenty thousand grams, possession of marihuana is a felony of the 1928
second degree, and the court shall impose as a mandatory prison 1929
term the maximum prison term prescribed for a felony of the second 1930
degree. 1931

(4) If the drug involved in the violation is cocaine or a 1932
compound, mixture, preparation, or substance containing cocaine, 1933
whoever violates division (A) of this section is guilty of 1934
possession of cocaine. The penalty for the offense shall be 1935
determined as follows: 1936

(a) Except as otherwise provided in division (C)(4)(b), (c), 1937

(d), (e), or (f) of this section, possession of cocaine is a 1938
felony of the fifth degree, and division (B) of section 2929.13 of 1939
the Revised Code applies in determining whether to impose a prison 1940
term on the offender. 1941

(b) If the amount of the drug involved equals or exceeds five 1942
grams but is less than twenty-five grams of cocaine that is not 1943
crack cocaine or equals or exceeds one gram but is less than five 1944
grams of crack cocaine, possession of cocaine is a felony of the 1945
fourth degree, and there is a presumption for a prison term for 1946
the offense. 1947

(c) If the amount of the drug involved equals or exceeds 1948
twenty-five grams but is less than one hundred grams of cocaine 1949
that is not crack cocaine or equals or exceeds five grams but is 1950
less than ten grams of crack cocaine, possession of cocaine is a 1951
felony of the third degree, and the court shall impose as a 1952
mandatory prison term one of the prison terms prescribed for a 1953
felony of the third degree. 1954

(d) If the amount of the drug involved equals or exceeds one 1955
hundred grams but is less than five hundred grams of cocaine that 1956
is not crack cocaine or equals or exceeds ten grams but is less 1957
than twenty-five grams of crack cocaine, possession of cocaine is 1958
a felony of the second degree, and the court shall impose as a 1959
mandatory prison term one of the prison terms prescribed for a 1960
felony of the second degree. 1961

(e) If the amount of the drug involved equals or exceeds five 1962
hundred grams but is less than one thousand grams of cocaine that 1963
is not crack cocaine or equals or exceeds twenty-five grams but is 1964
less than one hundred grams of crack cocaine, possession of 1965
cocaine is a felony of the first degree, and the court shall 1966
impose as a mandatory prison term one of the prison terms 1967
prescribed for a felony of the first degree. 1968

(f) If the amount of the drug involved equals or exceeds one thousand grams of cocaine that is not crack cocaine or equals or exceeds one hundred grams of crack cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

(5) If the drug involved in the violation is L.S.D., whoever violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c),

(d), (e), or (f) of this section, possession of heroin is a felony 2033
of the fifth degree, and division (B) of section 2929.13 of the 2034
Revised Code applies in determining whether to impose a prison 2035
term on the offender. 2036

(b) If the amount of the drug involved equals or exceeds ten 2037
unit doses but is less than fifty unit doses or equals or exceeds 2038
one gram but is less than five grams, possession of heroin is a 2039
felony of the fourth degree, and division (C) of section 2929.13 2040
of the Revised Code applies in determining whether to impose a 2041
prison term on the offender. 2042

(c) If the amount of the drug involved equals or exceeds 2043
fifty unit doses but is less than one hundred unit doses or equals 2044
or exceeds five grams but is less than ten grams, possession of 2045
heroin is a felony of the third degree, and there is a presumption 2046
for a prison term for the offense. 2047

(d) If the amount of the drug involved equals or exceeds one 2048
hundred unit doses but is less than five hundred unit doses or 2049
equals or exceeds ten grams but is less than fifty grams, 2050
possession of heroin is a felony of the second degree, and the 2051
court shall impose as a mandatory prison term one of the prison 2052
terms prescribed for a felony of the second degree. 2053

(e) If the amount of the drug involved equals or exceeds five 2054
hundred unit doses but is less than two thousand five hundred unit 2055
doses or equals or exceeds fifty grams but is less than two 2056
hundred fifty grams, possession of heroin is a felony of the first 2057
degree, and the court shall impose as a mandatory prison term one 2058
of the prison terms prescribed for a felony of the first degree. 2059

(f) If the amount of the drug involved equals or exceeds two 2060
thousand five hundred unit doses or equals or exceeds two hundred 2061
fifty grams, possession of heroin is a felony of the first degree, 2062
the offender is a major drug offender, and the court shall impose 2063

as a mandatory prison term the maximum prison term prescribed for 2064
a felony of the first degree and may impose an additional 2065
mandatory prison term prescribed for a major drug offender under 2066
division (D)(3)(b) of section 2929.14 of the Revised Code. 2067

(7) If the drug involved in the violation is hashish or a 2068
compound, mixture, preparation, or substance containing hashish, 2069
whoever violates division (A) of this section is guilty of 2070
possession of hashish. The penalty for the offense shall be 2071
determined as follows: 2072

(a) Except as otherwise provided in division (C)(7)(b), (c), 2073
(d), (e), or (f) of this section, possession of hashish is a minor 2074
misdemeanor. 2075

(b) If the amount of the drug involved equals or exceeds five 2076
grams but is less than ten grams of hashish in a solid form or 2077
equals or exceeds one gram but is less than two grams of hashish 2078
in a liquid concentrate, liquid extract, or liquid distillate 2079
form, possession of hashish is a misdemeanor of the fourth degree. 2080

(c) If the amount of the drug involved equals or exceeds ten 2081
grams but is less than fifty grams of hashish in a solid form or 2082
equals or exceeds two grams but is less than ten grams of hashish 2083
in a liquid concentrate, liquid extract, or liquid distillate 2084
form, possession of hashish is a felony of the fifth degree, and 2085
division (B) of section 2929.13 of the Revised Code applies in 2086
determining whether to impose a prison term on the offender. 2087

(d) If the amount of the drug involved equals or exceeds 2088
fifty grams but is less than two hundred fifty grams of hashish in 2089
a solid form or equals or exceeds ten grams but is less than fifty 2090
grams of hashish in a liquid concentrate, liquid extract, or 2091
liquid distillate form, possession of hashish is a felony of the 2092
third degree, and division (C) of section 2929.13 of the Revised 2093
Code applies in determining whether to impose a prison term on the 2094

offender. 2095

(e) If the amount of the drug involved equals or exceeds two 2096
hundred fifty grams but is less than one thousand grams of hashish 2097
in a solid form or equals or exceeds fifty grams but is less than 2098
two hundred grams of hashish in a liquid concentrate, liquid 2099
extract, or liquid distillate form, possession of hashish is a 2100
felony of the third degree, and there is a presumption that a 2101
prison term shall be imposed for the offense. 2102

(f) If the amount of the drug involved equals or exceeds one 2103
thousand grams of hashish in a solid form or equals or exceeds two 2104
hundred grams of hashish in a liquid concentrate, liquid extract, 2105
or liquid distillate form, possession of hashish is a felony of 2106
the second degree, and the court shall impose as a mandatory 2107
prison term the maximum prison term prescribed for a felony of the 2108
second degree. 2109

(D) Arrest or conviction for a minor misdemeanor violation of 2110
this section does not constitute a criminal record and need not be 2111
reported by the person so arrested or convicted in response to any 2112
inquiries about the person's criminal record, including any 2113
inquiries contained in any application for employment, license, or 2114
other right or privilege, or made in connection with the person's 2115
appearance as a witness. 2116

(E) In addition to any prison term or jail term authorized or 2117
required by division (C) of this section and sections 2929.13, 2118
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 2119
addition to any other sanction that is imposed for the offense 2120
under this section, sections 2929.11 to 2929.18, or sections 2121
2929.21 to 2929.28 of the Revised Code, the court that sentences 2122
an offender who is convicted of or pleads guilty to a violation of 2123
division (A) of this section shall do all of the following that 2124
are applicable regarding the offender: 2125

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

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail pursuant to division (E)(1)(b) of this section as if it were a mandatory fine imposed under division (E)(1)(a) of this section.

(2) The court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.

(3) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance 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 under any other

circumstances, that indicate that the substance was possessed 2157
solely for personal use. Notwithstanding any contrary provision of 2158
this section, if, in accordance with section 2901.05 of the 2159
Revised Code, an accused who is charged with a fourth degree 2160
felony violation of division (C)(2), (4), (5), or (6) of this 2161
section sustains the burden of going forward with evidence of and 2162
establishes by a preponderance of the evidence the affirmative 2163
defense described in this division, the accused may be prosecuted 2164
for and may plead guilty to or be convicted of a misdemeanor 2165
violation of division (C)(2) of this section or a fifth degree 2166
felony violation of division (C)(4), (5), or (6) of this section 2167
respectively. 2168

(G) When a person is charged with possessing a bulk amount or 2169
multiple of a bulk amount, division (E) of section 2925.03 of the 2170
Revised Code applies regarding the determination of the amount of 2171
the controlled substance involved at the time of the offense. 2172

Sec. 2925.22. (A) No person, by deception, ~~as defined in~~ 2173
~~section 2913.01 of the Revised Code~~, shall procure the 2174
administration of, a prescription for, or the dispensing of, a 2175
dangerous drug or shall possess an uncompleted preprinted 2176
prescription blank used for writing a prescription for a dangerous 2177
drug. 2178

(B) Whoever violates this section is guilty of deception to 2179
obtain a dangerous drug. The penalty for the offense shall be 2180
determined as follows: 2181

(1) If the person possesses an uncompleted preprinted 2182
prescription blank used for writing a prescription for a dangerous 2183
drug or if the drug involved is a dangerous drug, except as 2184
otherwise provided in division (B)(2) or (3) of this section, 2185
deception to obtain a dangerous drug is a felony of the fifth 2186
degree or, if the offender previously has been convicted of or 2187

pleaded guilty to a drug abuse offense, a felony of the fourth 2188
degree. Division (C) of section 2929.13 of the Revised Code 2189
applies in determining whether to impose a prison term on the 2190
offender pursuant to this division. 2191

(2) If the drug involved is a compound, mixture, preparation, 2192
or substance included in schedule I or II, with the exception of 2193
marihuana, the penalty for deception to obtain drugs is one of the 2194
following: 2195

(a) Except as otherwise provided in division (B)(2)(b), (c), 2196
or (d) of this section, it is a felony of the fourth degree, and 2197
division (C) of section 2929.13 of the Revised Code applies in 2198
determining whether to impose a prison term on the offender. 2199

(b) If the amount of the drug involved equals or exceeds the 2200
bulk amount but is less than five times the bulk amount, or if the 2201
amount of the drug involved that could be obtained pursuant to the 2202
prescription would equal or exceed the bulk amount but would be 2203
less than five times the bulk amount, it is a felony of the third 2204
degree, and there is a presumption for a prison term for the 2205
offense. 2206

(c) If the amount of the drug involved equals or exceeds five 2207
times the bulk amount but is less than fifty times the bulk 2208
amount, or if the amount of the drug involved that could be 2209
obtained pursuant to the prescription would equal or exceed five 2210
times the bulk amount but would be less than fifty times the bulk 2211
amount, it is a felony of the second degree, and there is a 2212
presumption for a prison term for the offense. 2213

(d) If the amount of the drug involved equals or exceeds 2214
fifty times the bulk amount, or if the amount of the drug involved 2215
that could be obtained pursuant to the prescription would equal or 2216
exceed fifty times the bulk amount, it is a felony of the first 2217
degree, and there is a presumption for a prison term for the 2218

offense. 2219

~~(2)(3)~~ If the drug involved is a ~~dangerous drug or a~~ 2220
compound, mixture, preparation, or substance included in schedule 2221
III, IV, or V or is marihuana, the penalty for deception to obtain 2222
a dangerous drug is one of the following: 2223

(a) Except as otherwise provided in division (B)(3)(b), (c), 2224
or (d) of this section it is a felony of the fifth degree, and 2225
division (C) of section 2929.13 of the Revised Code applies in 2226
determining whether to impose a prison term on the offender. 2227

(b) If the amount of the drug involved equals or exceeds the 2228
bulk amount but is less than five times the bulk amount, or if the 2229
amount of the drug involved that could be obtained pursuant to the 2230
prescription would equal or exceed the bulk amount but would be 2231
less than five times the bulk amount, it is a felony of the fourth 2232
degree, and division (C) of section 2929.13 of the Revised Code 2233
applies in determining whether to impose a prison term on the 2234
offender. 2235

(c) If the amount of the drug involved equals or exceeds five 2236
times the bulk amount but is less than fifty times the bulk 2237
amount, or if the amount of the drug involved that could be 2238
obtained pursuant to the prescription would equal or exceed five 2239
times the bulk amount but would be less than fifty times the bulk 2240
amount, it is a felony of the third degree, and there is a 2241
presumption for a prison term for the offense. 2242

(d) If the amount of the drug involved equals or exceeds 2243
fifty times the bulk amount, or if the amount of the drug involved 2244
that could be obtained pursuant to the prescription would equal or 2245
exceed fifty times the bulk amount, it is a felony of the second 2246
degree, and there is a presumption for a prison term for the 2247
offense. 2248

(C) In addition to any prison term authorized or required by 2249

division (B) of this section and sections 2929.13 and 2929.14 of 2250
the Revised Code and in addition to any other sanction imposed for 2251
the offense under this section or sections 2929.11 to 2929.18 of 2252
the Revised Code, the court that sentences an offender who is 2253
convicted of or pleads guilty to a violation of division (A) of 2254
this section shall do both of the following: 2255

(1) The court shall suspend for not less than six months or 2256
more than five years the offender's driver's or commercial 2257
driver's license or permit. 2258

(2) If the offender is a professionally licensed person, in 2259
addition to any other sanction imposed for a violation of this 2260
section, the court immediately shall comply with section 2925.38 2261
of the Revised Code. 2262

(D) Notwithstanding any contrary provision of section 3719.21 2263
of the Revised Code, the clerk of the court shall pay a fine 2264
imposed for a violation of this section pursuant to division (A) 2265
of section 2929.18 of the Revised Code in accordance with and 2266
subject to the requirements of division (F) of section 2925.03 of 2267
the Revised Code. The agency that receives the fine shall use the 2268
fine as specified in division (F) of section 2925.03 of the 2269
Revised Code. 2270

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 2271
the Revised Code, a first offender may apply to the sentencing 2272
court if convicted in this state, or to a court of common pleas if 2273
convicted in another state or in a federal court, for the sealing 2274
of the conviction record. Application may be made at the 2275
expiration of three years after the offender's final discharge if 2276
convicted of a felony, or at the expiration of one year after the 2277
offender's final discharge if convicted of a misdemeanor. 2278

(2) Any person who has been arrested for any misdemeanor 2279
offense and who has effected a bail forfeiture may apply to the 2280

court in which the misdemeanor criminal case was pending when bail 2281
was forfeited for the sealing of the record of the case. Except as 2282
provided in section 2953.61 of the Revised Code, the application 2283
may be filed at any time after the expiration of one year from the 2284
date on which the bail forfeiture was entered upon the minutes of 2285
the court or the journal, whichever entry occurs first. 2286

(B) Upon the filing of an application under this section, the 2287
court shall set a date for a hearing and shall notify the 2288
prosecutor for the case of the hearing on the application. The 2289
prosecutor may object to the granting of the application by filing 2290
an objection with the court prior to the date set for the hearing. 2291
The prosecutor shall specify in the objection the reasons for 2292
believing a denial of the application is justified. The court 2293
shall direct its regular probation officer, a state probation 2294
officer, or the department of probation of the county in which the 2295
applicant resides to make inquiries and written reports as the 2296
court requires concerning the applicant. 2297

(C)(1) The court shall do each of the following: 2298

(a) Determine whether the applicant is a first offender or 2299
whether the forfeiture of bail was agreed to by the applicant and 2300
the prosecutor in the case. If the applicant applies as a first 2301
offender pursuant to division (A)(1) of this section and has two 2302
or three convictions that result from the same indictment, 2303
information, or complaint, from the same plea of guilty, or from 2304
the same official proceeding, and result from related criminal 2305
acts that were committed within a three-month period but do not 2306
result from the same act or from offenses committed at the same 2307
time, in making its determination under this division, the court 2308
initially shall determine whether it is not in the public interest 2309
for the two or three convictions to be counted as one conviction. 2310
If the court determines that it is not in the public interest for 2311
the two or three convictions to be counted as one conviction, the 2312

court shall determine that the applicant is not a first offender; 2313
if the court does not make that determination, the court shall 2314
determine that the offender is a first offender. 2315

(b) Determine whether criminal proceedings are pending 2316
against the applicant; 2317

(c) If the applicant is a first offender who applies pursuant 2318
to division (A)(1) of this section, determine whether the 2319
applicant has been rehabilitated to the satisfaction of the court; 2320

(d) If the prosecutor has filed an objection in accordance 2321
with division (B) of this section, consider the reasons against 2322
granting the application specified by the prosecutor in the 2323
objection; 2324

(e) Weigh the interests of the applicant in having the 2325
records pertaining to the applicant's conviction sealed against 2326
the legitimate needs, if any, of the government to maintain those 2327
records. 2328

(2) If the court determines, after complying with division 2329
(C)(1) of this section, that the applicant is a first offender or 2330
the subject of a bail forfeiture, that no criminal proceeding is 2331
pending against the applicant, and that the interests of the 2332
applicant in having the records pertaining to the applicant's 2333
conviction or bail forfeiture sealed are not outweighed by any 2334
legitimate governmental needs to maintain those records, and that 2335
the rehabilitation of an applicant who is a first offender 2336
applying pursuant to division (A)(1) of this section has been 2337
attained to the satisfaction of the court, the court, except as 2338
provided in division (G) of this section, shall order all official 2339
records pertaining to the case sealed and, except as provided in 2340
division (F) of this section, all index references to the case 2341
deleted and, in the case of bail forfeitures, shall dismiss the 2342
charges in the case. The proceedings in the case shall be 2343

considered not to have occurred and the conviction or bail 2344
forfeiture of the person who is the subject of the proceedings 2345
shall be sealed, except that upon conviction of a subsequent 2346
offense, the sealed record of prior conviction or bail forfeiture 2347
may be considered by the court in determining the sentence or 2348
other appropriate disposition, including the relief provided for 2349
in sections 2953.31 to 2953.33 of the Revised Code. 2350

(3) Upon the filing of an application under this section, the 2351
applicant, unless indigent, shall pay a fee of fifty dollars. The 2352
court shall pay thirty dollars of the fee into the state treasury. 2353
It shall pay twenty dollars of the fee into the county general 2354
revenue fund if the sealed conviction or bail forfeiture was 2355
pursuant to a state statute, or into the general revenue fund of 2356
the municipal corporation involved if the sealed conviction or 2357
bail forfeiture was pursuant to a municipal ordinance. 2358

(D) Inspection of the sealed records included in the order 2359
may be made only by the following persons or for the following 2360
purposes: 2361

(1) By a law enforcement officer or prosecutor, or the 2362
assistants of either, to determine whether the nature and 2363
character of the offense with which a person is to be charged 2364
would be affected by virtue of the person's previously having been 2365
convicted of a crime; 2366

(2) By the parole or probation officer of the person who is 2367
the subject of the records, for the exclusive use of the officer 2368
in supervising the person while on parole or under a community 2369
control sanction or a post-release control sanction, and in making 2370
inquiries and written reports as requested by the court or adult 2371
parole authority; 2372

(3) Upon application by the person who is the subject of the 2373
records, by the persons named in the application; 2374

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| (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case; | 2375 2376 2377 |
| (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code; | 2378 2379 2380 2381 |
| (6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer; | 2382 2383 2384 2385 2386 |
| (7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code; | 2387 2388 2389 |
| (8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code; | 2390 2391 2392 2393 |
| (9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded; | 2394 2395 2396 2397 2398 |
| (10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code <u>that was requested pursuant to any of the sections identified in division (B)(1) of that section;</u> | 2399 2400 2401 2402 2403 2404 |
| (11) By the bureau of criminal identification and | 2405 |

investigation, an authorized employee of the bureau, a sheriff, or 2406
an authorized employee of a sheriff in connection with a criminal 2407
records check described in section 311.41 of the Revised Code; 2408

(12) By the attorney general or an authorized employee of the 2409
attorney general or a court for purposes of determining a person's 2410
classification pursuant to Chapter 2950. of the Revised Code. 2411

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When the nature and character of the offense with which a 2413
person is to be charged would be affected by the information, it 2414
may be used for the purpose of charging the person with an 2415
offense. 2416

(E) In any criminal proceeding, proof of any otherwise 2417
admissible prior conviction may be introduced and proved, 2418
notwithstanding the fact that for any such prior conviction an 2419
order of sealing previously was issued pursuant to sections 2420
2953.31 to 2953.36 of the Revised Code. 2421

(F) The person or governmental agency, office, or department 2422
that maintains sealed records pertaining to convictions or bail 2423
forfeitures that have been sealed pursuant to this section may 2424
maintain a manual or computerized index to the sealed records. The 2425
index shall contain only the name of, and alphanumeric identifiers 2426
that relate to, the persons who are the subject of the sealed 2427
records, the word "sealed," and the name of the person, agency, 2428
office, or department that has custody of the sealed records, and 2429
shall not contain the name of the crime committed. The index shall 2430
be made available by the person who has custody of the sealed 2431
records only for the purposes set forth in divisions (C), (D), and 2432
(E) of this section. 2433

(G) Notwithstanding any provision of this section or section 2434
2953.33 of the Revised Code that requires otherwise, a board of 2435
education of a city, local, exempted village, or joint vocational 2436

school district that maintains records of an individual who has 2437
been permanently excluded under sections 3301.121 and 3313.662 of 2438
the Revised Code is permitted to maintain records regarding a 2439
conviction that was used as the basis for the individual's 2440
permanent exclusion, regardless of a court order to seal the 2441
record. An order issued under this section to seal the record of a 2442
conviction does not revoke the adjudication order of the 2443
superintendent of public instruction to permanently exclude the 2444
individual who is the subject of the sealing order. An order 2445
issued under this section to seal the record of a conviction of an 2446
individual may be presented to a district superintendent as 2447
evidence to support the contention that the superintendent should 2448
recommend that the permanent exclusion of the individual who is 2449
the subject of the sealing order be revoked. Except as otherwise 2450
authorized by this division and sections 3301.121 and 3313.662 of 2451
the Revised Code, any school employee in possession of or having 2452
access to the sealed conviction records of an individual that were 2453
the basis of a permanent exclusion of the individual is subject to 2454
section 2953.35 of the Revised Code. 2455

Sec. 2961.01. (A)~~(1)~~ A person convicted of who pleads guilty 2456
to a felony under the laws of this or any other state or the 2457
United States and whose plea is accepted by the court or a person 2458
against whom a verdict or finding of guilt for committing a felony 2459
under any law of that type is returned, unless the ~~conviction~~ 2460
plea, verdict, or finding is reversed or annulled, is incompetent 2461
to be an elector or juror or to hold an office of honor, trust, or 2462
profit. ~~When~~ 2463

~~(2) When any person convicted of a felony under any law of~~ 2464
~~that type~~ who under division (A)(1) of this section is incompetent 2465
to be an elector or juror or to hold an office of honor, trust, or 2466
profit is granted parole, judicial release, or a conditional 2467
pardon or is released under a non-jail community control sanction 2468

or a post-release control sanction, the person is competent to be 2469
an elector during the period of community control, parole, 2470
post-release control, or release or until the conditions of the 2471
pardon have been performed or have transpired and is competent to 2472
be an elector thereafter following final discharge. The full 2473
pardon of a person ~~convicted of a felony~~ who under division (A)(1) 2474
of this section is incompetent to be an elector or juror or to 2475
hold an office of honor, trust, or profit restores the rights and 2476
privileges so forfeited under ~~this~~ division (A)(1) of this 2477
section, but a pardon shall not release the person ~~convicted of a~~ 2478
~~felony~~ from the costs of a conviction in this state, unless so 2479
specified. 2480

(B) A person ~~convicted of~~ who pleads guilty to a felony under 2481
laws of this state or any other state or the United States and 2482
whose plea is accepted by the court or a person against whom a 2483
verdict or finding of guilt for committing a felony under any law 2484
of that type is returned is incompetent to circulate or serve as a 2485
witness for the signing of any declaration of candidacy and 2486
petition, voter registration application, or nominating, 2487
initiative, referendum, or recall petition. 2488

(C) As used in this section: 2489

(1) "Community control sanction" has the same meaning as in 2490
section 2929.01 of the Revised Code. 2491

(2) "Non-jail community control sanction" means a community 2492
control sanction that is neither a term in a community-based 2493
correctional facility nor a term in a jail. 2494

(3) "Post-release control" and "post-release control 2495
sanction" have the same meanings as in section 2967.01 of the 2496
Revised Code. 2497

Sec. 2961.02. (A) As used in this section: 2498

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| (1) "Disqualifying offense" means an offense that has both of the following characteristics: | 2499 2500 |
| (a) It is one of the following: | 2501 |
| (i) A theft offense that is a felony; | 2502 |
| (ii) A felony under the laws of this state, another state, or the United States, that is not covered by division (A)(1)(a)(i) of this section and that involves fraud, deceit, or theft. | 2503 2504 2505 |
| (b) It is an offense for which the laws of this state, another state, or the United States do not otherwise contain a provision specifying permanent disqualification, or disqualification for a specified period, from holding a public office or position of public employment, or from serving as an unpaid volunteer, as a result of conviction of the offense, including, but not limited to, a provision such as that in division (C)(1) of section 2921.41 of the Revised Code. | 2506 2507 2508 2509 2510 2511 2512 2513 |
| (2) "Political subdivision" has the same meaning as in section 2744.01 of the Revised Code. | 2514 2515 |
| (3) "Private entity" includes an individual, corporation, limited liability company, business trust, estate, trust, partnership, or association that receives any funds from a state agency or political subdivision to perform an activity on behalf of the state agency or political subdivision. | 2516 2517 2518 2519 2520 |
| (4) "State agency" has the same meaning as in section 1.60 of the Revised Code. | 2521 2522 |
| (5) "Theft offense" has the same meaning as in section 2913.01 of the Revised Code. | 2523 2524 |
| (6) "Volunteer" means a person who serves as a volunteer without compensation with a state agency or political subdivision or who serves as a volunteer without compensation with a private entity, including, but not limited to, an uncompensated auxiliary | 2525 2526 2527 2528 |

police officer, auxiliary deputy sheriff, or volunteer 2529
firefighter. 2530

(B) Any person who ~~is convicted of~~ pleads guilty to a 2531
disqualifying offense and whose plea is accepted by the court or 2532
any person against whom a verdict or finding of guilt for 2533
committing a disqualifying offense is returned is incompetent to 2534
hold a public office or position of public employment or to serve 2535
as a volunteer, if holding the public office or position of public 2536
employment or serving as the volunteer involves substantial 2537
management or control over the property of a state agency, 2538
political subdivision, or private entity. 2539

(C) Division (B) of this section does not apply if a 2540
~~conviction of~~ plea, verdict, or finding of the type described in 2541
that division regarding a disqualifying offense is reversed, 2542
expunged, or annulled. The full pardon of a person ~~convicted of~~ 2543
who has pleaded guilty to a disqualifying offense and whose plea 2544
was accepted by the court or a person against whom a verdict or 2545
finding of guilt for committing a disqualifying offense was 2546
returned restores the privileges forfeited under division (B) of 2547
this section, but the pardon does not release the person from the 2548
costs of the person's conviction in this state, unless so 2549
specified. 2550

Section 2. That existing sections 109.572, 2921.41, 2925.01, 2551
2925.03, 2925.11, 2925.22, 2953.32, 2961.01, and 2961.02 of the 2552
Revised Code are hereby repealed. 2553