

As Passed by the Senate

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S. B. No. 73

Senator Miller, R.

**Cosponsors: Senators Smith, Mason, Goodman, Stivers, Clancy, Bocchieri,
Cafaro, Fedor, Harris, Jacobson, Kearney, Morano, Padgett, Roberts, Sawyer,
Schuring, Wilson, Grendell**

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A B I L L

To amend sections 2925.01, 2925.03, 2925.05, 2925.11, 1
and 2929.01 of the Revised Code to eliminate the 2
distinction between powdered cocaine and crack 3
cocaine in the Drug Abuse Law and to amend the 4
version of section 2925.03 of the Revised Code 5
that takes effect on July 1, 2007, to maintain the 6
provisions of this act on and after that date. 7

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

Section 1. That sections 2925.01, 2925.03, 2925.05, 2925.11, 8
and 2929.01 of the Revised Code be amended to read as follows: 9

Sec. 2925.01. As used in this chapter: 10

(A) "Administer," "controlled substance," "dispense," 11
"distribute," "hypodermic," "manufacturer," "official written 12
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 13
"schedule II," "schedule III," "schedule IV," "schedule V," and 14
"wholesaler" have the same meanings as in section 3719.01 of the 15
Revised Code. 16

(B) "Drug dependent person" and "drug of abuse" have the same 17
meanings as in section 3719.011 of the Revised Code. 18

(C) "Drug," "dangerous drug," "licensed health professional 19
authorized to prescribe drugs," and "prescription" have the same 20
meanings as in section 4729.01 of the Revised Code. 21

(D) "Bulk amount" of a controlled substance means any of the 22
following: 23

(1) For any compound, mixture, preparation, or substance 24
included in schedule I, schedule II, or schedule III, with the 25
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 26
except as provided in division (D)(2) or (5) of this section, 27
whichever of the following is applicable: 28

(a) An amount equal to or exceeding ten grams or twenty-five 29
unit doses of a compound, mixture, preparation, or substance that 30
is or contains any amount of a schedule I opiate or opium 31
derivative; 32

(b) An amount equal to or exceeding ten grams of a compound, 33
mixture, preparation, or substance that is or contains any amount 34
of raw or gum opium; 35

(c) An amount equal to or exceeding thirty grams or ten unit 36
doses of a compound, mixture, preparation, or substance that is or 37
contains any amount of a schedule I hallucinogen other than 38
tetrahydrocannabinol or lysergic acid amide, or a schedule I 39
stimulant or depressant; 40

(d) An amount equal to or exceeding twenty grams or five 41
times the maximum daily dose in the usual dose range specified in 42
a standard pharmaceutical reference manual of a compound, mixture, 43
preparation, or substance that is or contains any amount of a 44
schedule II opiate or opium derivative; 45

(e) An amount equal to or exceeding five grams or ten unit 46

doses of a compound, mixture, preparation, or substance that is or 47
contains any amount of phencyclidine; 48

(f) An amount equal to or exceeding one hundred twenty grams 49
or thirty times the maximum daily dose in the usual dose range 50
specified in a standard pharmaceutical reference manual of a 51
compound, mixture, preparation, or substance that is or contains 52
any amount of a schedule II stimulant that is in a final dosage 53
form manufactured by a person authorized by the "Federal Food, 54
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 55
amended, and the federal drug abuse control laws, as defined in 56
section 3719.01 of the Revised Code, that is or contains any 57
amount of a schedule II depressant substance or a schedule II 58
hallucinogenic substance; 59

(g) An amount equal to or exceeding three grams of a 60
compound, mixture, preparation, or substance that is or contains 61
any amount of a schedule II stimulant, or any of its salts or 62
isomers, that is not in a final dosage form manufactured by a 63
person authorized by the Federal Food, Drug, and Cosmetic Act and 64
the federal drug abuse control laws. 65

(2) An amount equal to or exceeding one hundred twenty grams 66
or thirty times the maximum daily dose in the usual dose range 67
specified in a standard pharmaceutical reference manual of a 68
compound, mixture, preparation, or substance that is or contains 69
any amount of a schedule III or IV substance other than an 70
anabolic steroid or a schedule III opiate or opium derivative; 71

(3) An amount equal to or exceeding twenty grams or five 72
times the maximum daily dose in the usual dose range specified in 73
a standard pharmaceutical reference manual of a compound, mixture, 74
preparation, or substance that is or contains any amount of a 75
schedule III opiate or opium derivative; 76

(4) An amount equal to or exceeding two hundred fifty 77

milliliters or two hundred fifty grams of a compound, mixture, 78
preparation, or substance that is or contains any amount of a 79
schedule V substance; 80

(5) An amount equal to or exceeding two hundred solid dosage 81
units, sixteen grams, or sixteen milliliters of a compound, 82
mixture, preparation, or substance that is or contains any amount 83
of a schedule III anabolic steroid. 84

(E) "Unit dose" means an amount or unit of a compound, 85
mixture, or preparation containing a controlled substance that is 86
separately identifiable and in a form that indicates that it is 87
the amount or unit by which the controlled substance is separately 88
administered to or taken by an individual. 89

(F) "Cultivate" includes planting, watering, fertilizing, or 90
tilling. 91

(G) "Drug abuse offense" means any of the following: 92

(1) A violation of division (A) of section 2913.02 that 93
constitutes theft of drugs, or a violation of section 2925.02, 94
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 95
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 96
2925.37 of the Revised Code; 97

(2) A violation of an existing or former law of this or any 98
other state or of the United States that is substantially 99
equivalent to any section listed in division (G)(1) of this 100
section; 101

(3) An offense under an existing or former law of this or any 102
other state, or of the United States, of which planting, 103
cultivating, harvesting, processing, making, manufacturing, 104
producing, shipping, transporting, delivering, acquiring, 105
possessing, storing, distributing, dispensing, selling, inducing 106
another to use, administering to another, using, or otherwise 107
dealing with a controlled substance is an element; 108

(4) A conspiracy to commit, attempt to commit, or complicity	109
in committing or attempting to commit any offense under division	110
(G)(1), (2), or (3) of this section.	111
(H) "Felony drug abuse offense" means any drug abuse offense	112
that would constitute a felony under the laws of this state, any	113
other state, or the United States.	114
(I) "Harmful intoxicant" does not include beer or	115
intoxicating liquor but means any of the following:	116
(1) Any compound, mixture, preparation, or substance the gas,	117
fumes, or vapor of which when inhaled can induce intoxication,	118
excitement, giddiness, irrational behavior, depression,	119
stupefaction, paralysis, unconsciousness, asphyxiation, or other	120
harmful physiological effects, and includes, but is not limited	121
to, any of the following:	122
(a) Any volatile organic solvent, plastic cement, model	123
cement, fingernail polish remover, lacquer thinner, cleaning	124
fluid, gasoline, or other preparation containing a volatile	125
organic solvent;	126
(b) Any aerosol propellant;	127
(c) Any fluorocarbon refrigerant;	128
(d) Any anesthetic gas.	129
(2) Gamma Butyrolactone;	130
(3) 1,4 Butanediol.	131
(J) "Manufacture" means to plant, cultivate, harvest,	132
process, make, prepare, or otherwise engage in any part of the	133
production of a drug, by propagation, extraction, chemical	134
synthesis, or compounding, or any combination of the same, and	135
includes packaging, repackaging, labeling, and other activities	136
incident to production.	137
(K) "Possess" or "possession" means having control over a	138

thing or substance, but may not be inferred solely from mere 139
access to the thing or substance through ownership or occupation 140
of the premises upon which the thing or substance is found. 141

(L) "Sample drug" means a drug or pharmaceutical preparation 142
that would be hazardous to health or safety if used without the 143
supervision of a licensed health professional authorized to 144
prescribe drugs, or a drug of abuse, and that, at one time, had 145
been placed in a container plainly marked as a sample by a 146
manufacturer. 147

(M) "Standard pharmaceutical reference manual" means the 148
current edition, with cumulative changes if any, of any of the 149
following reference works: 150

(1) "The National Formulary"; 151

(2) "The United States Pharmacopeia," prepared by authority 152
of the United States Pharmacopeial Convention, Inc.; 153

(3) Other standard references that are approved by the state 154
board of pharmacy. 155

(N) "Juvenile" means a person under eighteen years of age. 156

(O) "Counterfeit controlled substance" means any of the 157
following: 158

(1) Any drug that bears, or whose container or label bears, a 159
trademark, trade name, or other identifying mark used without 160
authorization of the owner of rights to that trademark, trade 161
name, or identifying mark; 162

(2) Any unmarked or unlabeled substance that is represented 163
to be a controlled substance manufactured, processed, packed, or 164
distributed by a person other than the person that manufactured, 165
processed, packed, or distributed it; 166

(3) Any substance that is represented to be a controlled 167
substance but is not a controlled substance or is a different 168

controlled substance; 169

(4) Any substance other than a controlled substance that a 170
reasonable person would believe to be a controlled substance 171
because of its similarity in shape, size, and color, or its 172
markings, labeling, packaging, distribution, or the price for 173
which it is sold or offered for sale. 174

(P) An offense is "committed in the vicinity of a school" if 175
the offender commits the offense on school premises, in a school 176
building, or within one thousand feet of the boundaries of any 177
school premises, regardless of whether the offender knows the 178
offense is being committed on school premises, in a school 179
building, or within one thousand feet of the boundaries of any 180
school premises. 181

(Q) "School" means any school operated by a board of 182
education, any community school established under Chapter 3314. of 183
the Revised Code, or any nonpublic school for which the state 184
board of education prescribes minimum standards under section 185
3301.07 of the Revised Code, whether or not any instruction, 186
extracurricular activities, or training provided by the school is 187
being conducted at the time a criminal offense is committed. 188

(R) "School premises" means either of the following: 189

(1) The parcel of real property on which any school is 190
situated, whether or not any instruction, extracurricular 191
activities, or training provided by the school is being conducted 192
on the premises at the time a criminal offense is committed; 193

(2) Any other parcel of real property that is owned or leased 194
by a board of education of a school, the governing authority of a 195
community school established under Chapter 3314. of the Revised 196
Code, or the governing body of a nonpublic school for which the 197
state board of education prescribes minimum standards under 198
section 3301.07 of the Revised Code and on which some of the 199

instruction, extracurricular activities, or training of the school 200
is conducted, whether or not any instruction, extracurricular 201
activities, or training provided by the school is being conducted 202
on the parcel of real property at the time a criminal offense is 203
committed. 204

(S) "School building" means any building in which any of the 205
instruction, extracurricular activities, or training provided by a 206
school is conducted, whether or not any instruction, 207
extracurricular activities, or training provided by the school is 208
being conducted in the school building at the time a criminal 209
offense is committed. 210

(T) "Disciplinary counsel" means the disciplinary counsel 211
appointed by the board of commissioners on grievances and 212
discipline of the supreme court under the Rules for the Government 213
of the Bar of Ohio. 214

(U) "Certified grievance committee" means a duly constituted 215
and organized committee of the Ohio state bar association or of 216
one or more local bar associations of the state of Ohio that 217
complies with the criteria set forth in Rule V, section 6 of the 218
Rules for the Government of the Bar of Ohio. 219

(V) "Professional license" means any license, permit, 220
certificate, registration, qualification, admission, temporary 221
license, temporary permit, temporary certificate, or temporary 222
registration that is described in divisions (W)(1) to (36) of this 223
section and that qualifies a person as a professionally licensed 224
person. 225

(W) "Professionally licensed person" means any of the 226
following: 227

(1) A person who has obtained a license as a manufacturer of 228
controlled substances or a wholesaler of controlled substances 229
under Chapter 3719. of the Revised Code; 230

(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	231 232 233 234
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	235 236 237
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	238 239 240
(5) A person licensed under Chapter 4707. of the Revised Code;	241 242
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	243 244 245
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	246 247 248
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	249 250 251 252 253 254 255 256 257 258
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching	259 260 261

license, a dental hygienist's license, or a dental hygienist's	262
teacher's certificate under Chapter 4715. of the Revised Code;	263
(10) A person who has been issued an embalmer's license, a	264
funeral director's license, a funeral home license, or a crematory	265
license, or who has been registered for an embalmer's or funeral	266
director's apprenticeship under Chapter 4717. of the Revised Code;	267
(11) A person who has been licensed as a registered nurse or	268
practical nurse, or who has been issued a certificate for the	269
practice of nurse-midwifery under Chapter 4723. of the Revised	270
Code;	271
(12) A person who has been licensed to practice optometry or	272
to engage in optical dispensing under Chapter 4725. of the Revised	273
Code;	274
(13) A person licensed to act as a pawnbroker under Chapter	275
4727. of the Revised Code;	276
(14) A person licensed to act as a precious metals dealer	277
under Chapter 4728. of the Revised Code;	278
(15) A person licensed as a pharmacist, a pharmacy intern, a	279
wholesale distributor of dangerous drugs, or a terminal	280
distributor of dangerous drugs under Chapter 4729. of the Revised	281
Code;	282
(16) A person who is authorized to practice as a physician	283
assistant under Chapter 4730. of the Revised Code;	284
(17) A person who has been issued a certificate to practice	285
medicine and surgery, osteopathic medicine and surgery, a limited	286
branch of medicine, or podiatry under Chapter 4731. of the Revised	287
Code;	288
(18) A person licensed as a psychologist or school	289
psychologist under Chapter 4732. of the Revised Code;	290
(19) A person registered to practice the profession of	291

engineering or surveying under Chapter 4733. of the Revised Code;	292
(20) A person who has been issued a license to practice	293
chiropractic under Chapter 4734. of the Revised Code;	294
(21) A person licensed to act as a real estate broker or real	295
estate salesperson under Chapter 4735. of the Revised Code;	296
(22) A person registered as a registered sanitarian under	297
Chapter 4736. of the Revised Code;	298
(23) A person licensed to operate or maintain a junkyard	299
under Chapter 4737. of the Revised Code;	300
(24) A person who has been issued a motor vehicle salvage	301
dealer's license under Chapter 4738. of the Revised Code;	302
(25) A person who has been licensed to act as a steam	303
engineer under Chapter 4739. of the Revised Code;	304
(26) A person who has been issued a license or temporary	305
permit to practice veterinary medicine or any of its branches, or	306
who is registered as a graduate animal technician under Chapter	307
4741. of the Revised Code;	308
(27) A person who has been issued a hearing aid dealer's or	309
fitter's license or trainee permit under Chapter 4747. of the	310
Revised Code;	311
(28) A person who has been issued a class A, class B, or	312
class C license or who has been registered as an investigator or	313
security guard employee under Chapter 4749. of the Revised Code;	314
(29) A person licensed and registered to practice as a	315
nursing home administrator under Chapter 4751. of the Revised	316
Code;	317
(30) A person licensed to practice as a speech-language	318
pathologist or audiologist under Chapter 4753. of the Revised	319
Code;	320

(31) A person issued a license as an occupational therapist	321
or physical therapist under Chapter 4755. of the Revised Code;	322
(32) A person who is licensed as a professional clinical	323
counselor or professional counselor, licensed as a social worker	324
or independent social worker, or registered as a social work	325
assistant under Chapter 4757. of the Revised Code;	326
(33) A person issued a license to practice dietetics under	327
Chapter 4759. of the Revised Code;	328
(34) A person who has been issued a license or limited permit	329
to practice respiratory therapy under Chapter 4761. of the Revised	330
Code;	331
(35) A person who has been issued a real estate appraiser	332
certificate under Chapter 4763. of the Revised Code;	333
(36) A person who has been admitted to the bar by order of	334
the supreme court in compliance with its prescribed and published	335
rules.	336
(X) "Cocaine" means any of the following:	337
(1) A cocaine salt, isomer, or derivative, a salt of a	338
cocaine isomer or derivative, or the base form of cocaine;	339
(2) Coca leaves or a salt, compound, derivative, or	340
preparation of coca leaves, including ecgonine, a salt, isomer, or	341
derivative of ecgonine, or a salt of an isomer or derivative of	342
ecgonine;	343
(3) A salt, compound, derivative, or preparation of a	344
substance identified in division (X)(1) or (2) of this section	345
that is chemically equivalent to or identical with any of those	346
substances, except that the substances shall not include	347
decocainized coca leaves or extraction of coca leaves if the	348
extractions do not contain cocaine or ecgonine.	349
(Y) "L.S.D." means lysergic acid diethylamide.	350

(Z) "Hashish" means the resin or a preparation of the resin 351
contained in marihuana, whether in solid form or in a liquid 352
concentrate, liquid extract, or liquid distillate form. 353

(AA) "Marihuana" has the same meaning as in section 3719.01 354
of the Revised Code, except that it does not include hashish. 355

(BB) An offense is "committed in the vicinity of a juvenile" 356
if the offender commits the offense within one hundred feet of a 357
juvenile or within the view of a juvenile, regardless of whether 358
the offender knows the age of the juvenile, whether the offender 359
knows the offense is being committed within one hundred feet of or 360
within view of the juvenile, or whether the juvenile actually 361
views the commission of the offense. 362

(CC) "Presumption for a prison term" or "presumption that a 363
prison term shall be imposed" means a presumption, as described in 364
division (D) of section 2929.13 of the Revised Code, that a prison 365
term is a necessary sanction for a felony in order to comply with 366
the purposes and principles of sentencing under section 2929.11 of 367
the Revised Code. 368

(DD) "Major drug offender" has the same meaning as in section 369
2929.01 of the Revised Code. 370

(EE) "Minor drug possession offense" means either of the 371
following: 372

(1) A violation of section 2925.11 of the Revised Code as it 373
existed prior to July 1, 1996; 374

(2) A violation of section 2925.11 of the Revised Code as it 375
exists on and after July 1, 1996, that is a misdemeanor or a 376
felony of the fifth degree. 377

(FF) "Mandatory prison term" has the same meaning as in 378
section 2929.01 of the Revised Code. 379

(GG) ~~"Crack cocaine" means a compound, mixture, preparation,~~ 380

~~or substance that is or contains any amount of cocaine that is~~ 381
~~analytically identified as the base form of cocaine or that is in~~ 382
~~a form that resembles rocks or pebbles generally intended for~~ 383
~~individual use.~~ 384

~~(HH)~~ "Adulterate" means to cause a drug to be adulterated as 385
described in section 3715.63 of the Revised Code. 386

~~(II)~~(HH) "Public premises" means any hotel, restaurant, 387
tavern, store, arena, hall, or other place of public 388
accommodation, business, amusement, or resort. 389

~~(JJ)~~(II) "Methamphetamine" means methamphetamine, any salt, 390
isomer, or salt of an isomer of methamphetamine, or any compound, 391
mixture, preparation, or substance containing methamphetamine or 392
any salt, isomer, or salt of an isomer of methamphetamine. 393

Sec. 2925.03. (A) No person shall knowingly do any of the 394
following: 395

(1) Sell or offer to sell a controlled substance; 396

(2) Prepare for shipment, ship, transport, deliver, prepare 397
for distribution, or distribute a controlled substance, when the 398
offender knows or has reasonable cause to believe that the 399
controlled substance is intended for sale or resale by the 400
offender or another person. 401

(B) This section does not apply to any of the following: 402

(1) Manufacturers, licensed health professionals authorized 403
to prescribe drugs, pharmacists, owners of pharmacies, and other 404
persons whose conduct is in accordance with Chapters 3719., 4715., 405
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 406

(2) If the offense involves an anabolic steroid, any person 407
who is conducting or participating in a research project involving 408
the use of an anabolic steroid if the project has been approved by 409
the United States food and drug administration; 410

(3) Any person who sells, offers for sale, prescribes, 411
dispenses, or administers for livestock or other nonhuman species 412
an anabolic steroid that is expressly intended for administration 413
through implants to livestock or other nonhuman species and 414
approved for that purpose under the "Federal Food, Drug, and 415
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 416
and is sold, offered for sale, prescribed, dispensed, or 417
administered for that purpose in accordance with that act. 418

(C) Whoever violates division (A) of this section is guilty 419
of one of the following: 420

(1) If the drug involved in the violation is any compound, 421
mixture, preparation, or substance included in schedule I or 422
schedule II, with the exception of marihuana, cocaine, L.S.D., 423
heroin, and hashish, whoever violates division (A) of this section 424
is guilty of aggravated trafficking in drugs. The penalty for the 425
offense shall be determined as follows: 426

(a) Except as otherwise provided in division (C)(1)(b), (c), 427
(d), (e), or (f) of this section, aggravated trafficking in drugs 428
is a felony of the fourth degree, and division (C) of section 429
2929.13 of the Revised Code applies in determining whether to 430
impose a prison term on the offender. 431

(b) Except as otherwise provided in division (C)(1)(c), (d), 432
(e), or (f) of this section, if the offense was committed in the 433
vicinity of a school or in the vicinity of a juvenile, aggravated 434
trafficking in drugs is a felony of the third degree, and division 435
(C) of section 2929.13 of the Revised Code applies in determining 436
whether to impose a prison term on the offender. 437

(c) Except as otherwise provided in this division, if the 438
amount of the drug involved equals or exceeds the bulk amount but 439
is less than five times the bulk amount, aggravated trafficking in 440
drugs is a felony of the third degree, and the court shall impose 441

as a mandatory prison term one of the prison terms prescribed for 442
a felony of the third degree. If the amount of the drug involved 443
is within that range and if the offense was committed in the 444
vicinity of a school or in the vicinity of a juvenile, aggravated 445
trafficking in drugs is a felony of the second degree, and the 446
court shall impose as a mandatory prison term one of the prison 447
terms prescribed for a felony of the second degree. 448

(d) Except as otherwise provided in this division, if the 449
amount of the drug involved equals or exceeds five times the bulk 450
amount but is less than fifty times the bulk amount, aggravated 451
trafficking in drugs is a felony of the second degree, and the 452
court shall impose as a mandatory prison term one of the prison 453
terms prescribed for a felony of the second degree. If the amount 454
of the drug involved is within that range and if the offense was 455
committed in the vicinity of a school or in the vicinity of a 456
juvenile, aggravated trafficking in drugs is a felony of the first 457
degree, and the court shall impose as a mandatory prison term one 458
of the prison terms prescribed for a felony of the first degree. 459

(e) If the amount of the drug involved equals or exceeds 460
fifty times the bulk amount but is less than one hundred times the 461
bulk amount and regardless of whether the offense was committed in 462
the vicinity of a school or in the vicinity of a juvenile, 463
aggravated trafficking in drugs is a felony of the first degree, 464
and the court shall impose as a mandatory prison term one of the 465
prison terms prescribed for a felony of the first degree. 466

(f) If the amount of the drug involved equals or exceeds one 467
hundred times the bulk amount and regardless of whether the 468
offense was committed in the vicinity of a school or in the 469
vicinity of a juvenile, aggravated trafficking in drugs is a 470
felony of the first degree, the offender is a major drug offender, 471
and the court shall impose as a mandatory prison term the maximum 472
prison term prescribed for a felony of the first degree and may 473

impose an additional prison term prescribed for a major drug 474
offender under division (D)(3)(b) of section 2929.14 of the 475
Revised Code. 476

(2) If the drug involved in the violation is any compound, 477
mixture, preparation, or substance included in schedule III, IV, 478
or V, whoever violates division (A) of this section is guilty of 479
trafficking in drugs. The penalty for the offense shall be 480
determined as follows: 481

(a) Except as otherwise provided in division (C)(2)(b), (c), 482
(d), or (e) of this section, trafficking in drugs is a felony of 483
the fifth degree, and division (C) of section 2929.13 of the 484
Revised Code applies in determining whether to impose a prison 485
term on the offender. 486

(b) Except as otherwise provided in division (C)(2)(c), (d), 487
or (e) of this section, if the offense was committed in the 488
vicinity of a school or in the vicinity of a juvenile, trafficking 489
in drugs is a felony of the fourth degree, and division (C) of 490
section 2929.13 of the Revised Code applies in determining whether 491
to impose a prison term on the offender. 492

(c) Except as otherwise provided in this division, if the 493
amount of the drug involved equals or exceeds the bulk amount but 494
is less than five times the bulk amount, trafficking in drugs is a 495
felony of the fourth degree, and there is a presumption for a 496
prison term for the offense. If the amount of the drug involved is 497
within that range and if the offense was committed in the vicinity 498
of a school or in the vicinity of a juvenile, trafficking in drugs 499
is a felony of the third degree, and there is a presumption for a 500
prison term for the offense. 501

(d) Except as otherwise provided in this division, if the 502
amount of the drug involved equals or exceeds five times the bulk 503
amount but is less than fifty times the bulk amount, trafficking 504

in drugs is a felony of the third degree, and there is a 505
presumption for a prison term for the offense. If the amount of 506
the drug involved is within that range and if the offense was 507
committed in the vicinity of a school or in the vicinity of a 508
juvenile, trafficking in drugs is a felony of the second degree, 509
and there is a presumption for a prison term for the offense. 510

(e) Except as otherwise provided in this division, if the 511
amount of the drug involved equals or exceeds fifty times the bulk 512
amount, trafficking in drugs is a felony of the second degree, and 513
the court shall impose as a mandatory prison term one of the 514
prison terms prescribed for a felony of the second degree. If the 515
amount of the drug involved equals or exceeds fifty times the bulk 516
amount and if the offense was committed in the vicinity of a 517
school or in the vicinity of a juvenile, trafficking in drugs is a 518
felony of the first degree, and the court shall impose as a 519
mandatory prison term one of the prison terms prescribed for a 520
felony of the first degree. 521

(3) If the drug involved in the violation is marihuana or a 522
compound, mixture, preparation, or substance containing marihuana 523
other than hashish, whoever violates division (A) of this section 524
is guilty of trafficking in marihuana. The penalty for the offense 525
shall be determined as follows: 526

(a) Except as otherwise provided in division (C)(3)(b), (c), 527
(d), (e), (f), or (g) of this section, trafficking in marihuana is 528
a felony of the fifth degree, and division (C) of section 2929.13 529
of the Revised Code applies in determining whether to impose a 530
prison term on the offender. 531

(b) Except as otherwise provided in division (C)(3)(c), (d), 532
(e), (f), or (g) of this section, if the offense was committed in 533
the vicinity of a school or in the vicinity of a juvenile, 534
trafficking in marihuana is a felony of the fourth degree, and 535
division (C) of section 2929.13 of the Revised Code applies in 536

determining whether to impose a prison term on the offender. 537

(c) Except as otherwise provided in this division, if the 538
amount of the drug involved equals or exceeds two hundred grams 539
but is less than one thousand grams, trafficking in marihuana is a 540
felony of the fourth degree, and division (C) of section 2929.13 541
of the Revised Code applies in determining whether to impose a 542
prison term on the offender. If the amount of the drug involved is 543
within that range and if the offense was committed in the vicinity 544
of a school or in the vicinity of a juvenile, trafficking in 545
marihuana is a felony of the third degree, and division (C) of 546
section 2929.13 of the Revised Code applies in determining whether 547
to impose a prison term on the offender. 548

(d) Except as otherwise provided in this division, if the 549
amount of the drug involved equals or exceeds one thousand grams 550
but is less than five thousand grams, trafficking in marihuana is 551
a felony of the third degree, and division (C) of section 2929.13 552
of the Revised Code applies in determining whether to impose a 553
prison term on the offender. If the amount of the drug involved is 554
within that range and if the offense was committed in the vicinity 555
of a school or in the vicinity of a juvenile, trafficking in 556
marihuana is a felony of the second degree, and there is a 557
presumption that a prison term shall be imposed for the offense. 558

(e) Except as otherwise provided in this division, if the 559
amount of the drug involved equals or exceeds five thousand grams 560
but is less than twenty thousand grams, trafficking in marihuana 561
is a felony of the third degree, and there is a presumption that a 562
prison term shall be imposed for the offense. If the amount of the 563
drug involved is within that range and if the offense was 564
committed in the vicinity of a school or in the vicinity of a 565
juvenile, trafficking in marihuana is a felony of the second 566
degree, and there is a presumption that a prison term shall be 567
imposed for the offense. 568

(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 601
division (C) of section 2929.13 of the Revised Code applies in 602
determining whether to impose a prison term on the offender. 603

(c) Except as otherwise provided in this division, if the 604
amount of the drug involved ~~equals or exceeds five grams but is~~ 605
~~less than ten grams of cocaine that is not crack cocaine or~~ 606
equals or exceeds one gram but is less than five grams ~~of crack cocaine,~~ 607
trafficking in cocaine is a felony of the fourth degree, and there 608
is a presumption for a prison term for the offense. If the amount 609
of the drug involved is within one ~~of those ranges~~ that range and 610
if the offense was committed in the vicinity of a school or in the 611
vicinity of a juvenile, trafficking in cocaine is a felony of the 612
third degree, and there is a presumption for a prison term for the 613
offense. 614

(d) Except as otherwise provided in this division, if the 615
amount of the drug involved ~~equals or exceeds ten grams but is~~ 616
~~less than one hundred grams of cocaine that is not crack cocaine~~ 617
~~or~~ equals or exceeds five grams but is less than ten grams ~~of~~ 618
~~crack cocaine,~~ trafficking in cocaine is a felony of the third 619
degree, and the court shall impose as a mandatory prison term one 620
of the prison terms prescribed for a felony of the third degree. 621
If the amount of the drug involved is within ~~one of those ranges~~ 622
that range and if the offense was committed in the vicinity of a 623
school or in the vicinity of a juvenile, trafficking in cocaine is 624
a felony of the second degree, and the court shall impose as a 625
mandatory prison term one of the prison terms prescribed for a 626
felony of the second degree. 627

(e) Except as otherwise provided in this division, if the 628
amount of the drug involved ~~equals or exceeds one hundred grams~~ 629
~~but is less than five hundred grams of cocaine that is not crack~~ 630
~~cocaine or~~ equals or exceeds ten grams but is less than 631
twenty-five grams ~~of crack cocaine,~~ trafficking in cocaine is a 632

felony of the second degree, and the court shall impose as a 633
mandatory prison term one of the prison terms prescribed for a 634
felony of the second degree. If the amount of the drug involved is 635
within ~~one of those ranges~~ that range and if the offense was 636
committed in the vicinity of a school or in the vicinity of a 637
juvenile, trafficking in cocaine is a felony of the first degree, 638
and the court shall impose as a mandatory prison term one of the 639
prison terms prescribed for a felony of the first degree. 640

(f) If the amount of the drug involved ~~equals or exceeds five~~ 641
~~hundred grams but is less than one thousand grams of cocaine that~~ 642
~~is not crack cocaine or~~ equals or exceeds twenty-five grams but is 643
less than one hundred grams ~~of crack cocaine~~ and regardless of 644
whether the offense was committed in the vicinity of a school or 645
in the vicinity of a juvenile, trafficking in cocaine is a felony 646
of the first degree, and the court shall impose as a mandatory 647
prison term one of the prison terms prescribed for a felony of the 648
first degree. 649

(g) If the amount of the drug involved ~~equals or exceeds one~~ 650
~~thousand grams of cocaine that is not crack cocaine or~~ equals or 651
exceeds one hundred grams ~~of crack cocaine~~ and regardless of 652
whether the offense was committed in the vicinity of a school or 653
in the vicinity of a juvenile, trafficking in cocaine is a felony 654
of the first degree, the offender is a major drug offender, and 655
the court shall impose as a mandatory prison term the maximum 656
prison term prescribed for a felony of the first degree and may 657
impose an additional mandatory prison term prescribed for a major 658
drug offender under division (D)(3)(b) of section 2929.14 of the 659
Revised Code. 660

(5) If the drug involved in the violation is L.S.D. or a 661
compound, mixture, preparation, or substance containing L.S.D., 662
whoever violates division (A) of this section is guilty of 663
trafficking in L.S.D. The penalty for the offense shall be 664

determined as follows: 665

(a) Except as otherwise provided in division (C)(5)(b), (c), 666
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 667
felony of the fifth degree, and division (C) of section 2929.13 of 668
the Revised Code applies in determining whether to impose a prison 669
term on the offender. 670

(b) Except as otherwise provided in division (C)(5)(c), (d), 671
(e), (f), or (g) of this section, if the offense was committed in 672
the vicinity of a school or in the vicinity of a juvenile, 673
trafficking in L.S.D. is a felony of the fourth degree, and 674
division (C) of section 2929.13 of the Revised Code applies in 675
determining whether to impose a prison term on the offender. 676

(c) Except as otherwise provided in this division, if the 677
amount of the drug involved equals or exceeds ten unit doses but 678
is less than fifty unit doses of L.S.D. in a solid form or equals 679
or exceeds one gram but is less than five grams of L.S.D. in a 680
liquid concentrate, liquid extract, or liquid distillate form, 681
trafficking in L.S.D. is a felony of the fourth degree, and there 682
is a presumption for a prison term for the offense. If the amount 683
of the drug involved is within that range and if the offense was 684
committed in the vicinity of a school or in the vicinity of a 685
juvenile, trafficking in L.S.D. is a felony of the third degree, 686
and there is a presumption for a prison term for the offense. 687

(d) Except as otherwise provided in this division, if the 688
amount of the drug involved equals or exceeds fifty unit doses but 689
is less than two hundred fifty unit doses of L.S.D. in a solid 690
form or equals or exceeds five grams but is less than twenty-five 691
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 692
distillate form, trafficking in L.S.D. is a felony of the third 693
degree, and the court shall impose as a mandatory prison term one 694
of the prison terms prescribed for a felony of the third degree. 695
If the amount of the drug involved is within that range and if the 696

offense was committed in the vicinity of a school or in the 697
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 698
second degree, and the court shall impose as a mandatory prison 699
term one of the prison terms prescribed for a felony of the second 700
degree. 701

(e) Except as otherwise provided in this division, if the 702
amount of the drug involved equals or exceeds two hundred fifty 703
unit doses but is less than one thousand unit doses of L.S.D. in a 704
solid form or equals or exceeds twenty-five grams but is less than 705
one hundred grams of L.S.D. in a liquid concentrate, liquid 706
extract, or liquid distillate form, trafficking in L.S.D. is a 707
felony of the second degree, and the court shall impose as a 708
mandatory prison term one of the prison terms prescribed for a 709
felony of the second degree. If the amount of the drug involved is 710
within that range and if the offense was committed in the vicinity 711
of a school or in the vicinity of a juvenile, trafficking in 712
L.S.D. is a felony of the first degree, and the court shall impose 713
as a mandatory prison term one of the prison terms prescribed for 714
a felony of the first degree. 715

(f) If the amount of the drug involved equals or exceeds one 716
thousand unit doses but is less than five thousand unit doses of 717
L.S.D. in a solid form or equals or exceeds one hundred grams but 718
is less than five hundred grams of L.S.D. in a liquid concentrate, 719
liquid extract, or liquid distillate form and regardless of 720
whether the offense was committed in the vicinity of a school or 721
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 722
of the first degree, and the court shall impose as a mandatory 723
prison term one of the prison terms prescribed for a felony of the 724
first degree. 725

(g) If the amount of the drug involved equals or exceeds five 726
thousand unit doses of L.S.D. in a solid form or equals or exceeds 727
five hundred grams of L.S.D. in a liquid concentrate, liquid 728

extract, or liquid distillate form and regardless of whether the 729
offense was committed in the vicinity of a school or in the 730
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 731
first degree, the offender is a major drug offender, and the court 732
shall impose as a mandatory prison term the maximum prison term 733
prescribed for a felony of the first degree and may impose an 734
additional mandatory prison term prescribed for a major drug 735
offender under division (D)(3)(b) of section 2929.14 of the 736
Revised Code. 737

(6) If the drug involved in the violation is heroin or a 738
compound, mixture, preparation, or substance containing heroin, 739
whoever violates division (A) of this section is guilty of 740
trafficking in heroin. The penalty for the offense shall be 741
determined as follows: 742

(a) Except as otherwise provided in division (C)(6)(b), (c), 743
(d), (e), (f), or (g) of this section, trafficking in heroin is a 744
felony of the fifth degree, and division (C) of section 2929.13 of 745
the Revised Code applies in determining whether to impose a prison 746
term on the offender. 747

(b) Except as otherwise provided in division (C)(6)(c), (d), 748
(e), (f), or (g) of this section, if the offense was committed in 749
the vicinity of a school or in the vicinity of a juvenile, 750
trafficking in heroin is a felony of the fourth degree, and 751
division (C) of section 2929.13 of the Revised Code applies in 752
determining whether to impose a prison term on the offender. 753

(c) Except as otherwise provided in this division, if the 754
amount of the drug involved equals or exceeds ten unit doses but 755
is less than fifty unit doses or equals or exceeds one gram but is 756
less than five grams, trafficking in heroin is a felony of the 757
fourth degree, and there is a presumption for a prison term for 758
the offense. If the amount of the drug involved is within that 759
range and if the offense was committed in the vicinity of a school 760

or in the vicinity of a juvenile, trafficking in heroin is a 761
felony of the third degree, and there is a presumption for a 762
prison term for the offense. 763

(d) Except as otherwise provided in this division, if the 764
amount of the drug involved equals or exceeds fifty unit doses but 765
is less than one hundred unit doses or equals or exceeds five 766
grams but is less than ten grams, trafficking in heroin is a 767
felony of the third degree, and there is a presumption for a 768
prison term for the offense. If the amount of the drug involved is 769
within that range and if the offense was committed in the vicinity 770
of a school or in the vicinity of a juvenile, trafficking in 771
heroin is a felony of the second degree, and there is a 772
presumption for a prison term for the offense. 773

(e) Except as otherwise provided in this division, if the 774
amount of the drug involved equals or exceeds one hundred unit 775
doses but is less than five hundred unit doses or equals or 776
exceeds ten grams but is less than fifty grams, trafficking in 777
heroin is a felony of the second degree, and the court shall 778
impose as a mandatory prison term one of the prison terms 779
prescribed for a felony of the second degree. If the amount of the 780
drug involved is within that range and if the offense was 781
committed in the vicinity of a school or in the vicinity of a 782
juvenile, trafficking in heroin is a felony of the first degree, 783
and the court shall impose as a mandatory prison term one of the 784
prison terms prescribed for a felony of the first degree. 785

(f) If the amount of the drug involved equals or exceeds five 786
hundred unit doses but is less than two thousand five hundred unit 787
doses or equals or exceeds fifty grams but is less than two 788
hundred fifty grams and regardless of whether the offense was 789
committed in the vicinity of a school or in the vicinity of a 790
juvenile, trafficking in heroin is a felony of the first degree, 791
and the court shall impose as a mandatory prison term one of the 792

prison terms prescribed for a felony of the first degree. 793

(g) If the amount of the drug involved equals or exceeds two 794
thousand five hundred unit doses or equals or exceeds two hundred 795
fifty grams and regardless of whether the offense was committed in 796
the vicinity of a school or in the vicinity of a juvenile, 797
trafficking in heroin is a felony of the first degree, the 798
offender is a major drug offender, and the court shall impose as a 799
mandatory prison term the maximum prison term prescribed for a 800
felony of the first degree and may impose an additional mandatory 801
prison term prescribed for a major drug offender under division 802
(D)(3)(b) of section 2929.14 of the Revised Code. 803

(7) If the drug involved in the violation is hashish or a 804
compound, mixture, preparation, or substance containing hashish, 805
whoever violates division (A) of this section is guilty of 806
trafficking in hashish. The penalty for the offense shall be 807
determined as follows: 808

(a) Except as otherwise provided in division (C)(7)(b), (c), 809
(d), (e), or (f) of this section, trafficking in hashish is a 810
felony of the fifth degree, and division (C) of section 2929.13 of 811
the Revised Code applies in determining whether to impose a prison 812
term on the offender. 813

(b) Except as otherwise provided in division (C)(7)(c), (d), 814
(e), or (f) of this section, if the offense was committed in the 815
vicinity of a school or in the vicinity of a juvenile, trafficking 816
in hashish is a felony of the fourth degree, and division (C) of 817
section 2929.13 of the Revised Code applies in determining whether 818
to impose a prison term on the offender. 819

(c) Except as otherwise provided in this division, if the 820
amount of the drug involved equals or exceeds ten grams but is 821
less than fifty grams of hashish in a solid form or equals or 822
exceeds two grams but is less than ten grams of hashish in a 823

liquid concentrate, liquid extract, or liquid distillate form, 824
trafficking in hashish is a felony of the fourth degree, and 825
division (C) of section 2929.13 of the Revised Code applies in 826
determining whether to impose a prison term on the offender. If 827
the amount of the drug involved is within that range and if the 828
offense was committed in the vicinity of a school or in the 829
vicinity of a juvenile, trafficking in hashish is a felony of the 830
third degree, and division (C) of section 2929.13 of the Revised 831
Code applies in determining whether to impose a prison term on the 832
offender. 833

(d) Except as otherwise provided in this division, if the 834
amount of the drug involved equals or exceeds fifty grams but is 835
less than two hundred fifty grams of hashish in a solid form or 836
equals or exceeds ten grams but is less than fifty grams of 837
hashish in a liquid concentrate, liquid extract, or liquid 838
distillate form, trafficking in hashish is a felony of the third 839
degree, and division (C) of section 2929.13 of the Revised Code 840
applies in determining whether to impose a prison term on the 841
offender. If the amount of the drug involved is within that range 842
and if the offense was committed in the vicinity of a school or in 843
the vicinity of a juvenile, trafficking in hashish is a felony of 844
the second degree, and there is a presumption that a prison term 845
shall be imposed for the offense. 846

(e) Except as otherwise provided in this division, if the 847
amount of the drug involved equals or exceeds two hundred fifty 848
grams but is less than one thousand grams of hashish in a solid 849
form or equals or exceeds fifty grams but is less than two hundred 850
grams of hashish in a liquid concentrate, liquid extract, or 851
liquid distillate form, trafficking in hashish is a felony of the 852
third degree, and there is a presumption that a prison term shall 853
be imposed for the offense. If the amount of the drug involved is 854
within that range and if the offense was committed in the vicinity 855

of a school or in the vicinity of a juvenile, trafficking in 856
hashish is a felony of the second degree, and there is a 857
presumption that a prison term shall be imposed for the offense. 858

(f) Except as otherwise provided in this division, if the 859
amount of the drug involved equals or exceeds one thousand grams 860
of hashish in a solid form or equals or exceeds two hundred grams 861
of hashish in a liquid concentrate, liquid extract, or liquid 862
distillate form, trafficking in hashish is a felony of the second 863
degree, and the court shall impose as a mandatory prison term the 864
maximum prison term prescribed for a felony of the second degree. 865
If the amount of the drug involved is within that range and if the 866
offense was committed in the vicinity of a school or in the 867
vicinity of a juvenile, trafficking in hashish is a felony of the 868
first degree, and the court shall impose as a mandatory prison 869
term the maximum prison term prescribed for a felony of the first 870
degree. 871

(D) In addition to any prison term authorized or required by 872
division (C) of this section and sections 2929.13 and 2929.14 of 873
the Revised Code, and in addition to any other sanction imposed 874
for the offense under this section or sections 2929.11 to 2929.18 875
of the Revised Code, the court that sentences an offender who is 876
convicted of or pleads guilty to a violation of division (A) of 877
this section shall do all of the following that are applicable 878
regarding the offender: 879

(1) If the violation of division (A) of this section is a 880
felony of the first, second, or third degree, the court shall 881
impose upon the offender the mandatory fine specified for the 882
offense under division (B)(1) of section 2929.18 of the Revised 883
Code unless, as specified in that division, the court determines 884
that the offender is indigent. Except as otherwise provided in 885
division (H)(1) of this section, a mandatory fine or any other 886
fine imposed for a violation of this section is subject to 887

division (F) of this section. If a person is charged with a 888
violation of this section that is a felony of the first, second, 889
or third degree, posts bail, and forfeits the bail, the clerk of 890
the court shall pay the forfeited bail pursuant to divisions 891
(D)(1) and (F) of this section, as if the forfeited bail was a 892
fine imposed for a violation of this section. If any amount of the 893
forfeited bail remains after that payment and if a fine is imposed 894
under division (H)(1) of this section, the clerk of the court 895
shall pay the remaining amount of the forfeited bail pursuant to 896
divisions (H)(2) and (3) of this section, as if that remaining 897
amount was a fine imposed under division (H)(1) of this section. 898

(2) The court shall suspend the driver's or commercial 899
driver's license or permit of the offender in accordance with 900
division (G) of this section. 901

(3) If the offender is a professionally licensed person, the 902
court immediately shall comply with section 2925.38 of the Revised 903
Code. 904

(E) When a person is charged with the sale of or offer to 905
sell a bulk amount or a multiple of a bulk amount of a controlled 906
substance, the jury, or the court trying the accused, shall 907
determine the amount of the controlled substance involved at the 908
time of the offense and, if a guilty verdict is returned, shall 909
return the findings as part of the verdict. In any such case, it 910
is unnecessary to find and return the exact amount of the 911
controlled substance involved, and it is sufficient if the finding 912
and return is to the effect that the amount of the controlled 913
substance involved is the requisite amount, or that the amount of 914
the controlled substance involved is less than the requisite 915
amount. 916

(F)(1) Notwithstanding any contrary provision of section 917
3719.21 of the Revised Code and except as provided in division (H) 918
of this section, the clerk of the court shall pay any mandatory 919

fine imposed pursuant to division (D)(1) of this section and any 920
fine other than a mandatory fine that is imposed for a violation 921
of this section pursuant to division (A) or (B)(5) of section 922
2929.18 of the Revised Code to the county, township, municipal 923
corporation, park district, as created pursuant to section 511.18 924
or 1545.04 of the Revised Code, or state law enforcement agencies 925
in this state that primarily were responsible for or involved in 926
making the arrest of, and in prosecuting, the offender. However, 927
the clerk shall not pay a mandatory fine so imposed to a law 928
enforcement agency unless the agency has adopted a written 929
internal control policy under division (F)(2) of this section that 930
addresses the use of the fine moneys that it receives. Each agency 931
shall use the mandatory fines so paid to subsidize the agency's 932
law enforcement efforts that pertain to drug offenses, in 933
accordance with the written internal control policy adopted by the 934
recipient agency under division (F)(2) of this section. 935

(2)(a) Prior to receiving any fine moneys under division 936
(F)(1) of this section or division (B)(5) of section 2925.42 of 937
the Revised Code, a law enforcement agency shall adopt a written 938
internal control policy that addresses the agency's use and 939
disposition of all fine moneys so received and that provides for 940
the keeping of detailed financial records of the receipts of those 941
fine moneys, the general types of expenditures made out of those 942
fine moneys, and the specific amount of each general type of 943
expenditure. The policy shall not provide for or permit the 944
identification of any specific expenditure that is made in an 945
ongoing investigation. All financial records of the receipts of 946
those fine moneys, the general types of expenditures made out of 947
those fine moneys, and the specific amount of each general type of 948
expenditure by an agency are public records open for inspection 949
under section 149.43 of the Revised Code. Additionally, a written 950
internal control policy adopted under this division is such a 951
public record, and the agency that adopted it shall comply with 952

it. 953

(b) Each law enforcement agency that receives in any calendar 954
year any fine moneys under division (F)(1) of this section or 955
division (B)(5) of section 2925.42 of the Revised Code shall 956
prepare a report covering the calendar year that cumulates all of 957
the information contained in all of the public financial records 958
kept by the agency pursuant to division (F)(2)(a) of this section 959
for that calendar year, and shall send a copy of the cumulative 960
report, no later than the first day of March in the calendar year 961
following the calendar year covered by the report, to the attorney 962
general. Each report received by the attorney general is a public 963
record open for inspection under section 149.43 of the Revised 964
Code. Not later than the fifteenth day of April in the calendar 965
year in which the reports are received, the attorney general shall 966
send to the president of the senate and the speaker of the house 967
of representatives a written notification that does all of the 968
following: 969

(i) Indicates that the attorney general has received from law 970
enforcement agencies reports of the type described in this 971
division that cover the previous calendar year and indicates that 972
the reports were received under this division; 973

(ii) Indicates that the reports are open for inspection under 974
section 149.43 of the Revised Code; 975

(iii) Indicates that the attorney general will provide a copy 976
of any or all of the reports to the president of the senate or the 977
speaker of the house of representatives upon request. 978

(3) As used in division (F) of this section: 979

(a) "Law enforcement agencies" includes, but is not limited 980
to, the state board of pharmacy and the office of a prosecutor. 981

(b) "Prosecutor" has the same meaning as in section 2935.01 982
of the Revised Code. 983

(G) When required under division (D)(2) of this section or 984
any other provision of this chapter, the court shall suspend for 985
not less than six months or more than five years the driver's or 986
commercial driver's license or permit of any person who is 987
convicted of or pleads guilty to any violation of this section or 988
any other specified provision of this chapter. If an offender's 989
driver's or commercial driver's license or permit is suspended 990
pursuant to this division, the offender, at any time after the 991
expiration of two years from the day on which the offender's 992
sentence was imposed or from the day on which the offender finally 993
was released from a prison term under the sentence, whichever is 994
later, may file a motion with the sentencing court requesting 995
termination of the suspension; upon the filing of such a motion 996
and the court's finding of good cause for the termination, the 997
court may terminate the suspension. 998

(H)(1) In addition to any prison term authorized or required 999
by division (C) of this section and sections 2929.13 and 2929.14 1000
of the Revised Code, in addition to any other penalty or sanction 1001
imposed for the offense under this section or sections 2929.11 to 1002
2929.18 of the Revised Code, and in addition to the forfeiture of 1003
property in connection with the offense as prescribed in sections 1004
2925.42 to 2925.45 of the Revised Code, the court that sentences 1005
an offender who is convicted of or pleads guilty to a violation of 1006
division (A) of this section may impose upon the offender an 1007
additional fine specified for the offense in division (B)(4) of 1008
section 2929.18 of the Revised Code. A fine imposed under division 1009
(H)(1) of this section is not subject to division (F) of this 1010
section and shall be used solely for the support of one or more 1011
eligible alcohol and drug addiction programs in accordance with 1012
divisions (H)(2) and (3) of this section. 1013

(2) The court that imposes a fine under division (H)(1) of 1014
this section shall specify in the judgment that imposes the fine 1015

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 1048
each county from which the program received the moneys if that 1049
county is different from the county in which the program is 1050
located, and with the attorney general. The alcohol and drug 1051
addiction program shall file the report no later than the first 1052
day of March in the calendar year following the calendar year in 1053
which the program received the fine moneys. The report shall 1054
include statistics on the number of persons served by the alcohol 1055
and drug addiction program, identify the types of alcohol and drug 1056
addiction services provided to those persons, and include a 1057
specific accounting of the purposes for which the fine moneys 1058
received were used. No information contained in the report shall 1059
identify, or enable a person to determine the identity of, any 1060
person served by the alcohol and drug addiction program. Each 1061
report received by a court of common pleas, a board of county 1062
commissioners, or the attorney general is a public record open for 1063
inspection under section 149.43 of the Revised Code. 1064

(5) As used in divisions (H)(1) to (5) of this section: 1065

(a) "Alcohol and drug addiction program" and "alcohol and 1066
drug addiction services" have the same meanings as in section 1067
3793.01 of the Revised Code. 1068

(b) "Eligible alcohol and drug addiction program" means an 1069
alcohol and drug addiction program that is certified under section 1070
3793.06 of the Revised Code or licensed under section 3793.11 of 1071
the Revised Code by the department of alcohol and drug addiction 1072
services. 1073

Sec. 2925.05. (A) No person shall knowingly provide money or 1074
other items of value to another person with the purpose that the 1075
recipient of the money or items of value use them to obtain any 1076
controlled substance for the purpose of violating section 2925.04 1077
of the Revised Code or for the purpose of selling or offering to 1078

sell the controlled substance in the following amount: 1079

(1) If the drug to be sold or offered for sale is any 1080
compound, mixture, preparation, or substance included in schedule 1081
I or II, with the exception of marihuana, cocaine, L.S.D., heroin, 1082
and hashish, or schedule III, IV, or V, an amount of the drug that 1083
equals or exceeds the bulk amount of the drug; 1084

(2) If the drug to be sold or offered for sale is marihuana 1085
or a compound, mixture, preparation, or substance other than 1086
hashish containing marihuana, an amount of the marihuana that 1087
equals or exceeds two hundred grams; 1088

(3) If the drug to be sold or offered for sale is cocaine or 1089
a compound, mixture, preparation, or substance containing cocaine, 1090
an amount of the cocaine that ~~equals or exceeds five grams if the~~ 1091
~~cocaine is not crack cocaine~~ or equals or exceeds one gram ~~if the~~ 1092
~~cocaine is crack cocaine;~~ 1093

(4) If the drug to be sold or offered for sale is L.S.D. or a 1094
compound, mixture, preparation, or substance containing L.S.D., an 1095
amount of the L.S.D. that equals or exceeds ten unit doses if the 1096
L.S.D. is in a solid form or equals or exceeds one gram if the 1097
L.S.D. is in a liquid concentrate, liquid extract, or liquid 1098
distillate form; 1099

(5) If the drug to be sold or offered for sale is heroin or a 1100
compound, mixture, preparation, or substance containing heroin, an 1101
amount of the heroin that equals or exceeds ten unit doses or 1102
equals or exceeds one gram; 1103

(6) If the drug to be sold or offered for sale is hashish or 1104
a compound, mixture, preparation, or substance containing hashish, 1105
an amount of the hashish that equals or exceeds ten grams if the 1106
hashish is in a solid form or equals or exceeds two grams if the 1107
hashish is in a liquid concentrate, liquid extract, or liquid 1108

distillate form. 1109

(B) This section does not apply to any person listed in 1110
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1111
Code to the extent and under the circumstances described in those 1112
divisions. 1113

(C)(1) If the drug involved in the violation is any compound, 1114
mixture, preparation, or substance included in schedule I or II, 1115
with the exception of marihuana, whoever violates division (A) of 1116
this section is guilty of aggravated funding of drug trafficking, 1117
a felony of the first degree, and, subject to division (E) of this 1118
section, the court shall impose as a mandatory prison term one of 1119
the prison terms prescribed for a felony of the first degree. 1120

(2) If the drug involved in the violation is any compound, 1121
mixture, preparation, or substance included in schedule III, IV, 1122
or V, whoever violates division (A) of this section is guilty of 1123
funding of drug trafficking, a felony of the second degree, and 1124
the court shall impose as a mandatory prison term one of the 1125
prison terms prescribed for a felony of the second degree. 1126

(3) If the drug involved in the violation is marihuana, 1127
whoever violates division (A) of this section is guilty of funding 1128
of marihuana trafficking, a felony of the third degree, and the 1129
court shall impose as a mandatory prison term one of the prison 1130
terms prescribed for a felony of the third degree. 1131

(D) In addition to any prison term authorized or required by 1132
division (C) or (E) of this section and sections 2929.13 and 1133
2929.14 of the Revised Code and in addition to any other sanction 1134
imposed for the offense under this section or sections 2929.11 to 1135
2929.18 of the Revised Code, the court that sentences an offender 1136
who is convicted of or pleads guilty to a violation of division 1137
(A) of this section shall do all of the following that are 1138
applicable regarding the offender: 1139

(1) The court shall impose the mandatory fine specified for 1140
the offense under division (B)(1) of section 2929.18 of the 1141
Revised Code unless, as specified in that division, the court 1142
determines that the offender is indigent. The clerk of the court 1143
shall pay a mandatory fine or other fine imposed for a violation 1144
of this section pursuant to division (A) of section 2929.18 of the 1145
Revised Code in accordance with and subject to the requirements of 1146
division (F) of section 2925.03 of the Revised Code. The agency 1147
that receives the fine shall use the fine in accordance with 1148
division (F) of section 2925.03 of the Revised Code. If a person 1149
is charged with a violation of this section, posts bail, and 1150
forfeits the bail, the forfeited bail shall be paid as if the 1151
forfeited bail were a fine imposed for a violation of this 1152
section. 1153

(2) The court shall suspend the offender's driver's or 1154
commercial driver's license or permit in accordance with division 1155
(G) of section 2925.03 of the Revised Code. If an offender's 1156
driver's or commercial driver's license or permit is suspended in 1157
accordance with that division, the offender may request 1158
termination of, and the court may terminate, the suspension in 1159
accordance with that division. 1160

(3) If the offender is a professionally licensed person, the 1161
court immediately shall comply with section 2925.38 of the Revised 1162
Code. 1163

(E) Notwithstanding the prison term otherwise authorized or 1164
required for the offense under division (C) of this section and 1165
sections 2929.13 and 2929.14 of the Revised Code, if the violation 1166
of division (A) of this section involves the sale, offer to sell, 1167
or possession of a schedule I or II controlled substance, with the 1168
exception of marihuana, and if the court imposing sentence upon 1169
the offender finds that the offender as a result of the violation 1170
is a major drug offender and is guilty of a specification of the 1171

type described in section 2941.1410 of the Revised Code, the 1172
court, in lieu of the prison term otherwise authorized or 1173
required, shall impose upon the offender the mandatory prison term 1174
specified in division (D)(3)(a) of section 2929.14 of the Revised 1175
Code and may impose an additional prison term under division 1176
(D)(3)(b) of that section. 1177

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 1178
or use a controlled substance. 1179

(B) This section does not apply to any of the following: 1180

(1) Manufacturers, licensed health professionals authorized 1181
to prescribe drugs, pharmacists, owners of pharmacies, and other 1182
persons whose conduct was in accordance with Chapters 3719., 1183
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1184

(2) If the offense involves an anabolic steroid, any person 1185
who is conducting or participating in a research project involving 1186
the use of an anabolic steroid if the project has been approved by 1187
the United States food and drug administration; 1188

(3) Any person who sells, offers for sale, prescribes, 1189
dispenses, or administers for livestock or other nonhuman species 1190
an anabolic steroid that is expressly intended for administration 1191
through implants to livestock or other nonhuman species and 1192
approved for that purpose under the "Federal Food, Drug, and 1193
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1194
and is sold, offered for sale, prescribed, dispensed, or 1195
administered for that purpose in accordance with that act; 1196

(4) Any person who obtained the controlled substance pursuant 1197
to a prescription issued by a licensed health professional 1198
authorized to prescribe drugs. 1199

(C) Whoever violates division (A) of this section is guilty 1200
of one of the following: 1201

(1) If the drug involved in the violation is a compound, 1202
mixture, preparation, or substance included in schedule I or II, 1203
with the exception of marihuana, cocaine, L.S.D., heroin, and 1204
hashish, whoever violates division (A) of this section is guilty 1205
of aggravated possession of drugs. The penalty for the offense 1206
shall be determined as follows: 1207

(a) Except as otherwise provided in division (C)(1)(b), (c), 1208
(d), or (e) of this section, aggravated possession of drugs is a 1209
felony of the fifth degree, and division (B) of section 2929.13 of 1210
the Revised Code applies in determining whether to impose a prison 1211
term on the offender. 1212

(b) If the amount of the drug involved equals or exceeds the 1213
bulk amount but is less than five times the bulk amount, 1214
aggravated possession of drugs is a felony of the third degree, 1215
and there is a presumption for a prison term for the offense. 1216

(c) If the amount of the drug involved equals or exceeds five 1217
times the bulk amount but is less than fifty times the bulk 1218
amount, aggravated possession of drugs is a felony of the second 1219
degree, and the court shall impose as a mandatory prison term one 1220
of the prison terms prescribed for a felony of the second degree. 1221

(d) If the amount of the drug involved equals or exceeds 1222
fifty times the bulk amount but is less than one hundred times the 1223
bulk amount, aggravated possession of drugs is a felony of the 1224
first degree, and the court shall impose as a mandatory prison 1225
term one of the prison terms prescribed for a felony of the first 1226
degree. 1227

(e) If the amount of the drug involved equals or exceeds one 1228
hundred times the bulk amount, aggravated possession of drugs is a 1229
felony of the first degree, the offender is a major drug offender, 1230
and the court shall impose as a mandatory prison term the maximum 1231
prison term prescribed for a felony of the first degree and may 1232

impose an additional mandatory prison term prescribed for a major 1233
drug offender under division (D)(3)(b) of section 2929.14 of the 1234
Revised Code. 1235

(2) If the drug involved in the violation is a compound, 1236
mixture, preparation, or substance included in schedule III, IV, 1237
or V, whoever violates division (A) of this section is guilty of 1238
possession of drugs. The penalty for the offense shall be 1239
determined as follows: 1240

(a) Except as otherwise provided in division (C)(2)(b), (c), 1241
or (d) of this section, possession of drugs is a misdemeanor of 1242
the third degree or, if the offender previously has been convicted 1243
of a drug abuse offense, a misdemeanor of the second degree. If 1244
the drug involved in the violation is an anabolic steroid included 1245
in schedule III and if the offense is a misdemeanor of the third 1246
degree under this division, in lieu of sentencing the offender to 1247
a term of imprisonment in a detention facility, the court may 1248
place the offender under a community control sanction, as defined 1249
in section 2929.01 of the Revised Code, that requires the offender 1250
to perform supervised community service work pursuant to division 1251
(B) of section 2951.02 of the Revised Code. 1252

(b) If the amount of the drug involved equals or exceeds the 1253
bulk amount but is less than five times the bulk amount, 1254
possession of drugs is a felony of the fourth degree, and division 1255
(C) of section 2929.13 of the Revised Code applies in determining 1256
whether to impose a prison term on the offender. 1257

(c) If the amount of the drug involved equals or exceeds five 1258
times the bulk amount but is less than fifty times the bulk 1259
amount, possession of drugs is a felony of the third degree, and 1260
there is a presumption for a prison term for the offense. 1261

(d) If the amount of the drug involved equals or exceeds 1262
fifty times the bulk amount, possession of drugs is a felony of 1263

the second degree, and the court shall impose upon the offender as 1264
a mandatory prison term one of the prison terms prescribed for a 1265
felony of the second degree. 1266

(3) If the drug involved in the violation is marihuana or a 1267
compound, mixture, preparation, or substance containing marihuana 1268
other than hashish, whoever violates division (A) of this section 1269
is guilty of possession of marihuana. The penalty for the offense 1270
shall be determined as follows: 1271

(a) Except as otherwise provided in division (C)(3)(b), (c), 1272
(d), (e), or (f) of this section, possession of marihuana is a 1273
minor misdemeanor. 1274

(b) If the amount of the drug involved equals or exceeds one 1275
hundred grams but is less than two hundred grams, possession of 1276
marihuana is a misdemeanor of the fourth degree. 1277

(c) If the amount of the drug involved equals or exceeds two 1278
hundred grams but is less than one thousand grams, possession of 1279
marihuana is a felony of the fifth degree, and division (B) of 1280
section 2929.13 of the Revised Code applies in determining whether 1281
to impose a prison term on the offender. 1282

(d) If the amount of the drug involved equals or exceeds one 1283
thousand grams but is less than five thousand grams, possession of 1284
marihuana is a felony of the third degree, and division (C) of 1285
section 2929.13 of the Revised Code applies in determining whether 1286
to impose a prison term on the offender. 1287

(e) If the amount of the drug involved equals or exceeds five 1288
thousand grams but is less than twenty thousand grams, possession 1289
of marihuana is a felony of the third degree, and there is a 1290
presumption that a prison term shall be imposed for the offense. 1291

(f) If the amount of the drug involved equals or exceeds 1292
twenty thousand grams, possession of marihuana is a felony of the 1293
second degree, and the court shall impose as a mandatory prison 1294

term the maximum prison term prescribed for a felony of the second 1295
degree. 1296

(4) If the drug involved in the violation is cocaine or a 1297
compound, mixture, preparation, or substance containing cocaine, 1298
whoever violates division (A) of this section is guilty of 1299
possession of cocaine. The penalty for the offense shall be 1300
determined as follows: 1301

(a) Except as otherwise provided in division (C)(4)(b), (c), 1302
(d), (e), or (f) of this section, possession of cocaine is a 1303
felony of the fifth degree, and division (B) of section 2929.13 of 1304
the Revised Code applies in determining whether to impose a prison 1305
term on the offender. 1306

(b) If the amount of the drug involved ~~equals or exceeds five~~ 1307
~~grams but is less than twenty five grams of cocaine that is not~~ 1308
~~crack cocaine or~~ equals or exceeds one gram but is less than five 1309
grams ~~of crack cocaine~~, possession of cocaine is a felony of the 1310
fourth degree, and there is a presumption for a prison term for 1311
the offense. 1312

(c) If the amount of the drug involved ~~equals or exceeds~~ 1313
~~twenty five grams but is less than one hundred grams of cocaine~~ 1314
~~that is not crack cocaine or~~ equals or exceeds five grams but is 1315
less than ten grams ~~of crack cocaine~~, possession of cocaine is a 1316
felony of the third degree, and the court shall impose as a 1317
mandatory prison term one of the prison terms prescribed for a 1318
felony of the third degree. 1319

(d) If the amount of the drug involved ~~equals or exceeds one~~ 1320
~~hundred grams but is less than five hundred grams of cocaine that~~ 1321
~~is not crack cocaine or~~ equals or exceeds ten grams but is less 1322
than twenty-five grams ~~of crack cocaine~~, possession of cocaine is 1323
a felony of the second degree, and the court shall impose as a 1324
mandatory prison term one of the prison terms prescribed for a 1325

felony of the second degree. 1326

(e) If the amount of the drug involved ~~equals or exceeds five~~ 1327
~~hundred grams but is less than one thousand grams of cocaine that~~ 1328
~~is not crack cocaine or~~ equals or exceeds twenty-five grams but is 1329
less than one hundred grams ~~of crack cocaine~~, possession of 1330
cocaine is a felony of the first degree, and the court shall 1331
impose as a mandatory prison term one of the prison terms 1332
prescribed for a felony of the first degree. 1333

(f) If the amount of the drug involved ~~equals or exceeds one~~ 1334
~~thousand grams of cocaine that is not crack cocaine or~~ 1335
exceeds one hundred grams ~~of crack cocaine~~, possession of cocaine 1336
is a felony of the first degree, the offender is a major drug 1337
offender, and the court shall impose as a mandatory prison term 1338
the maximum prison term prescribed for a felony of the first 1339
degree and may impose an additional mandatory prison term 1340
prescribed for a major drug offender under division (D)(3)(b) of 1341
section 2929.14 of the Revised Code. 1342

(5) If the drug involved in the violation is L.S.D., whoever 1343
violates division (A) of this section is guilty of possession of 1344
L.S.D. The penalty for the offense shall be determined as follows: 1345

(a) Except as otherwise provided in division (C)(5)(b), (c), 1346
(d), (e), or (f) of this section, possession of L.S.D. is a felony 1347
of the fifth degree, and division (B) of section 2929.13 of the 1348
Revised Code applies in determining whether to impose a prison 1349
term on the offender. 1350

(b) If the amount of L.S.D. involved equals or exceeds ten 1351
unit doses but is less than fifty unit doses of L.S.D. in a solid 1352
form or equals or exceeds one gram but is less than five grams of 1353
L.S.D. in a liquid concentrate, liquid extract, or liquid 1354
distillate form, possession of L.S.D. is a felony of the fourth 1355
degree, and division (C) of section 2929.13 of the Revised Code 1356

applies in determining whether to impose a prison term on the 1357
offender. 1358

(c) If the amount of L.S.D. involved equals or exceeds fifty 1359
unit doses, but is less than two hundred fifty unit doses of 1360
L.S.D. in a solid form or equals or exceeds five grams but is less 1361
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 1362
extract, or liquid distillate form, possession of L.S.D. is a 1363
felony of the third degree, and there is a presumption for a 1364
prison term for the offense. 1365

(d) If the amount of L.S.D. involved equals or exceeds two 1366
hundred fifty unit doses but is less than one thousand unit doses 1367
of L.S.D. in a solid form or equals or exceeds twenty-five grams 1368
but is less than one hundred grams of L.S.D. in a liquid 1369
concentrate, liquid extract, or liquid distillate form, possession 1370
of L.S.D. is a felony of the second degree, and the court shall 1371
impose as a mandatory prison term one of the prison terms 1372
prescribed for a felony of the second degree. 1373

(e) If the amount of L.S.D. involved equals or exceeds one 1374
thousand unit doses but is less than five thousand unit doses of 1375
L.S.D. in a solid form or equals or exceeds one hundred grams but 1376
is less than five hundred grams of L.S.D. in a liquid concentrate, 1377
liquid extract, or liquid distillate form, possession of L.S.D. is 1378
a felony of the first degree, and the court shall impose as a 1379
mandatory prison term one of the prison terms prescribed for a 1380
felony of the first degree. 1381

(f) If the amount of L.S.D. involved equals or exceeds five 1382
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1383
five hundred grams of L.S.D. in a liquid concentrate, liquid 1384
extract, or liquid distillate form, possession of L.S.D. is a 1385
felony of the first degree, the offender is a major drug offender, 1386
and the court shall impose as a mandatory prison term the maximum 1387
prison term prescribed for a felony of the first degree and may 1388

impose an additional mandatory prison term prescribed for a major 1389
drug offender under division (D)(3)(b) of section 2929.14 of the 1390
Revised Code. 1391

(6) If the drug involved in the violation is heroin or a 1392
compound, mixture, preparation, or substance containing heroin, 1393
whoever violates division (A) of this section is guilty of 1394
possession of heroin. The penalty for the offense shall be 1395
determined as follows: 1396

(a) Except as otherwise provided in division (C)(6)(b), (c), 1397
(d), (e), or (f) of this section, possession of heroin is a felony 1398
of the fifth degree, and division (B) of section 2929.13 of the 1399
Revised Code applies in determining whether to impose a prison 1400
term on the offender. 1401

(b) If the amount of the drug involved equals or exceeds ten 1402
unit doses but is less than fifty unit doses or equals or exceeds 1403
one gram but is less than five grams, possession of heroin is a 1404
felony of the fourth degree, and division (C) of section 2929.13 1405
of the Revised Code applies in determining whether to impose a 1406
prison term on the offender. 1407

(c) If the amount of the drug involved equals or exceeds 1408
fifty unit doses but is less than one hundred unit doses or equals 1409
or exceeds five grams but is less than ten grams, possession of 1410
heroin is a felony of the third degree, and there is a presumption 1411
for a prison term for the offense. 1412

(d) If the amount of the drug involved equals or exceeds one 1413
hundred unit doses but is less than five hundred unit doses or 1414
equals or exceeds ten grams but is less than fifty grams, 1415
possession of heroin is a felony of the second degree, and the 1416
court shall impose as a mandatory prison term one of the prison 1417
terms prescribed for a felony of the second degree. 1418

(e) If the amount of the drug involved equals or exceeds five 1419

hundred unit doses but is less than two thousand five hundred unit 1420
doses or equals or exceeds fifty grams but is less than two 1421
hundred fifty grams, possession of heroin is a felony of the first 1422
degree, and the court shall impose as a mandatory prison term one 1423
of the prison terms prescribed for a felony of the first degree. 1424

(f) If the amount of the drug involved equals or exceeds two 1425
thousand five hundred unit doses or equals or exceeds two hundred 1426
fifty grams, possession of heroin is a felony of the first degree, 1427
the offender is a major drug offender, and the court shall impose 1428
as a mandatory prison term the maximum prison term prescribed for 1429
a felony of the first degree and may impose an additional 1430
mandatory prison term prescribed for a major drug offender under 1431
division (D)(3)(b) of section 2929.14 of the Revised Code. 1432

(7) If the drug involved in the violation is hashish or a 1433
compound, mixture, preparation, or substance containing hashish, 1434
whoever violates division (A) of this section is guilty of 1435
possession of hashish. The penalty for the offense shall be 1436
determined as follows: 1437

(a) Except as otherwise provided in division (C)(7)(b), (c), 1438
(d), (e), or (f) of this section, possession of hashish is a minor 1439
misdemeanor. 1440

(b) If the amount of the drug involved equals or exceeds five 1441
grams but is less than ten grams of hashish in a solid form or 1442
equals or exceeds one gram but is less than two grams of hashish 1443
in a liquid concentrate, liquid extract, or liquid distillate 1444
form, possession of hashish is a misdemeanor of the fourth degree. 1445

(c) If the amount of the drug involved equals or exceeds ten 1446
grams but is less than fifty grams of hashish in a solid form or 1447
equals or exceeds two grams but is less than ten grams of hashish 1448
in a liquid concentrate, liquid extract, or liquid distillate 1449
form, possession of hashish is a felony of the fifth degree, and 1450

division (B) of section 2929.13 of the Revised Code applies in 1451
determining whether to impose a prison term on the offender. 1452

(d) If the amount of the drug involved equals or exceeds 1453
fifty grams but is less than two hundred fifty grams of hashish in 1454
a solid form or equals or exceeds ten grams but is less than fifty 1455
grams of hashish in a liquid concentrate, liquid extract, or 1456
liquid distillate form, possession of hashish is a felony of the 1457
third degree, and division (C) of section 2929.13 of the Revised 1458
Code applies in determining whether to impose a prison term on the 1459
offender. 1460

(e) If the amount of the drug involved equals or exceeds two 1461
hundred fifty grams but is less than one thousand grams of hashish 1462
in a solid form or equals or exceeds fifty grams but is less than 1463
two hundred grams of hashish in a liquid concentrate, liquid 1464
extract, or liquid distillate form, possession of hashish is a 1465
felony of the third degree, and there is a presumption that a 1466
prison term shall be imposed for the offense. 1467

(f) If the amount of the drug involved equals or exceeds one 1468
thousand grams of hashish in a solid form or equals or exceeds two 1469
hundred grams of hashish in a liquid concentrate, liquid extract, 1470
or liquid distillate form, possession of hashish is a felony of 1471
the second degree, and the court shall impose as a mandatory 1472
prison term the maximum prison term prescribed for a felony of the 1473
second degree. 1474

(D) Arrest or conviction for a minor misdemeanor violation of 1475
this section does not constitute a criminal record and need not be 1476
reported by the person so arrested or convicted in response to any 1477
inquiries about the person's criminal record, including any 1478
inquiries contained in any application for employment, license, or 1479
other right or privilege, or made in connection with the person's 1480
appearance as a witness. 1481

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 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)(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 1513
section, the court immediately shall comply with section 2925.38 1514
of the Revised Code. 1515

(F) It is an affirmative defense, as provided in section 1516
2901.05 of the Revised Code, to a charge of a fourth degree felony 1517
violation under this section that the controlled substance that 1518
gave rise to the charge is in an amount, is in a form, is 1519
prepared, compounded, or mixed with substances that are not 1520
controlled substances in a manner, or is possessed under any other 1521
circumstances, that indicate that the substance was possessed 1522
solely for personal use. Notwithstanding any contrary provision of 1523
this section, if, in accordance with section 2901.05 of the 1524
Revised Code, an accused who is charged with a fourth degree 1525
felony violation of division (C)(2), (4), (5), or (6) of this 1526
section sustains the burden of going forward with evidence of and 1527
establishes by a preponderance of the evidence the affirmative 1528
defense described in this division, the accused may be prosecuted 1529
for and may plead guilty to or be convicted of a misdemeanor 1530
violation of division (C)(2) of this section or a fifth degree 1531
felony violation of division (C)(4), (5), or (6) of this section 1532
respectively. 1533

(G) When a person is charged with possessing a bulk amount or 1534
multiple of a bulk amount, division (E) of section 2925.03 of the 1535
Revised Code applies regarding the determination of the amount of 1536
the controlled substance involved at the time of the offense. 1537

Sec. 2929.01. As used in this chapter: 1538

(A)(1) "Alternative residential facility" means, subject to 1539
division (A)(2) of this section, any facility other than an 1540
offender's home or residence in which an offender is assigned to 1541
live and that satisfies all of the following criteria: 1542

(a) It provides programs through which the offender may seek 1543

or maintain employment or may receive education, training, 1544
treatment, or habilitation. 1545

(b) It has received the appropriate license or certificate 1546
for any specialized education, training, treatment, habilitation, 1547
or other service that it provides from the government agency that 1548
is responsible for licensing or certifying that type of education, 1549
training, treatment, habilitation, or service. 1550

(2) "Alternative residential facility" does not include a 1551
community-based correctional facility, jail, halfway house, or 1552
prison. 1553

(B) "Bad time" means the time by which the parole board 1554
administratively extends an offender's stated prison term or terms 1555
pursuant to section 2967.11 of the Revised Code because the parole 1556
board finds by clear and convincing evidence that the offender, 1557
while serving the prison term or terms, committed an act that is a 1558
criminal offense under the law of this state or the United States, 1559
whether or not the offender is prosecuted for the commission of 1560
that act. 1561

(C) "Basic probation supervision" means a requirement that 1562
the offender maintain contact with a person appointed to supervise 1563
the offender in accordance with sanctions imposed by the court or 1564
imposed by the parole board pursuant to section 2967.28 of the 1565
Revised Code. "Basic probation supervision" includes basic parole 1566
supervision and basic post-release control supervision. 1567

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 1568
"unit dose" have the same meanings as in section 2925.01 of the 1569
Revised Code. 1570

(E) "Community-based correctional facility" means a 1571
community-based correctional facility and program or district 1572
community-based correctional facility and program developed 1573
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 1574

(F) "Community control sanction" means a sanction that is not 1575
a prison term and that is described in section 2929.15, 2929.16, 1576
2929.17, or 2929.18 of the Revised Code or a sanction that is not 1577
a jail term and that is described in section 2929.26, 2929.27, or 1578
2929.28 of the Revised Code. "Community control sanction" includes 1579
probation if the sentence involved was imposed for a felony that 1580
was committed prior to July 1, 1996, or if the sentence involved 1581
was imposed for a misdemeanor that was committed prior to January 1582
1, 2004. 1583

(G) "Controlled substance," "marihuana," "schedule I," and 1584
"schedule II" have the same meanings as in section 3719.01 of the 1585
Revised Code. 1586

(H) "Curfew" means a requirement that an offender during a 1587
specified period of time be at a designated place. 1588

(I) "Day reporting" means a sanction pursuant to which an 1589
offender is required each day to report to and leave a center or 1590
other approved reporting location at specified times in order to 1591
participate in work, education or training, treatment, and other 1592
approved programs at the center or outside the center. 1593

(J) "Deadly weapon" has the same meaning as in section 1594
2923.11 of the Revised Code. 1595

(K) "Drug and alcohol use monitoring" means a program under 1596
which an offender agrees to submit to random chemical analysis of 1597
the offender's blood, breath, or urine to determine whether the 1598
offender has ingested any alcohol or other drugs. 1599

(L) "Drug treatment program" means any program under which a 1600
person undergoes assessment and treatment designed to reduce or 1601
completely eliminate the person's physical or emotional reliance 1602
upon alcohol, another drug, or alcohol and another drug and under 1603
which the person may be required to receive assessment and 1604
treatment on an outpatient basis or may be required to reside at a 1605

facility other than the person's home or residence while 1606
undergoing assessment and treatment. 1607

(M) "Economic loss" means any economic detriment suffered by 1608
a victim as a direct and proximate result of the commission of an 1609
offense and includes any loss of income due to lost time at work 1610
because of any injury caused to the victim, and any property loss, 1611
medical cost, or funeral expense incurred as a result of the 1612
commission of the offense. "Economic loss" does not include 1613
non-economic loss or any punitive or exemplary damages. 1614

(N) "Education or training" includes study at, or in 1615
conjunction with a program offered by, a university, college, or 1616
technical college or vocational study and also includes the 1617
completion of primary school, secondary school, and literacy 1618
curricula or their equivalent. 1619

(O) "Firearm" has the same meaning as in section 2923.11 of 1620
the Revised Code. 1621

(P) "Halfway house" means a facility licensed by the division 1622
of parole and community services of the department of 1623
rehabilitation and correction pursuant to section 2967.14 of the 1624
Revised Code as a suitable facility for the care and treatment of 1625
adult offenders. 1626

(Q) "House arrest" means a period of confinement of an 1627
offender that is in the offender's home or in other premises 1628
specified by the sentencing court or by the parole board pursuant 1629
to section 2967.28 of the Revised Code and during which all of the 1630
following apply: 1631

(1) The offender is required to remain in the offender's home 1632
or other specified premises for the specified period of 1633
confinement, except for periods of time during which the offender 1634
is at the offender's place of employment or at other premises as 1635
authorized by the sentencing court or by the parole board. 1636

(2) The offender is required to report periodically to a person designated by the court or parole board.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(R) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(S) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.

(T) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.

(U) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code, division (E) of section 2929.24 of the Revised Code, division (B) of section 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any other provision of the Revised Code that requires a term in a jail for a misdemeanor

conviction. 1668

(V) "Delinquent child" has the same meaning as in section 1669
2152.02 of the Revised Code. 1670

(W) "License violation report" means a report that is made by 1671
a sentencing court, or by the parole board pursuant to section 1672
2967.28 of the Revised Code, to the regulatory or licensing board 1673
or agency that issued an offender a professional license or a 1674
license or permit to do business in this state and that specifies 1675
that the offender has been convicted of or pleaded guilty to an 1676
offense that may violate the conditions under which the offender's 1677
professional license or license or permit to do business in this 1678
state was granted or an offense for which the offender's 1679
professional license or license or permit to do business in this 1680
state may be revoked or suspended. 1681

(X) "Major drug offender" means an offender who is convicted 1682
of or pleads guilty to the possession of, sale of, or offer to 1683
sell any drug, compound, mixture, preparation, or substance that 1684
consists of or contains at least one thousand grams of hashish; at 1685
least one hundred grams of ~~crack~~ cocaine; ~~at least one thousand~~ 1686
~~grams of cocaine that is not crack cocaine;~~ at least two thousand 1687
five hundred unit doses or two hundred fifty grams of heroin; at 1688
least five thousand unit doses of L.S.D. or five hundred grams of 1689
L.S.D. in a liquid concentrate, liquid extract, or liquid 1690
distillate form; or at least one hundred times the amount of any 1691
other schedule I or II controlled substance other than marihuana 1692
that is necessary to commit a felony of the third degree pursuant 1693
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1694
Code that is based on the possession of, sale of, or offer to sell 1695
the controlled substance. 1696

(Y) "Mandatory prison term" means any of the following: 1697

(1) Subject to division (Y)(2) of this section, the term in 1698

prison that must be imposed for the offenses or circumstances set 1699
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 1700
2929.13 and division (D) of section 2929.14 of the Revised Code. 1701
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1702
and 2925.11 of the Revised Code, unless the maximum or another 1703
specific term is required under section 2929.14 or 2929.142 of the 1704
Revised Code, a mandatory prison term described in this division 1705
may be any prison term authorized for the level of offense. 1706

(2) The term of sixty or one hundred twenty days in prison 1707
that a sentencing court is required to impose for a third or 1708
fourth degree felony OVI offense pursuant to division (G)(2) of 1709
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1710
of the Revised Code or the term of one, two, three, four, or five 1711
years in prison that a sentencing court is required to impose 1712
pursuant to division (G)(2) of section 2929.13 of the Revised 1713
Code. 1714

(3) The term in prison imposed pursuant to division (A) of 1715
section 2971.03 of the Revised Code for the offenses and in the 1716
circumstances described in division (F)(11) of section 2929.13 of 1717
the Revised Code, pursuant to division (B)(1)(a), (b), or (c) of 1718
section 2971.03 of the Revised Code for the offense of rape 1719
committed on or after ~~the effective date of this amendment~~ January 1720
2, 2007, in violation of division (A)(1)(b) of section 2907.02 of 1721
the Revised Code, pursuant to division (B)(2)(a) of section 1722
2971.03 of the Revised Code for the offense of attempted rape 1723
committed on or after ~~the effective date of this amendment~~ January 1724
2, 2007, and a specification of the type described in section 1725
2941.1418 of the Revised Code, pursuant to division (B)(2)(b) of 1726
section 2971.03 of the Revised Code for the offense of attempted 1727
rape committed on or after ~~the effective date of this amendment~~ 1728
January 2, 2007, and a specification of the type described in 1729
section 2941.1419 of the Revised Code, or pursuant to division 1730

(B)(2)(c) of section 2971.03 of the Revised Code for the offense 1731
of attempted rape committed on or after ~~the effective date of this~~ 1732
~~amendment~~ January 2, 2007, and a specification of the type 1733
described in section 2941.1420 of the Revised Code and that term 1734
as modified or terminated pursuant to section 2971.05 of the 1735
Revised Code. 1736

(Z) "Monitored time" means a period of time during which an 1737
offender continues to be under the control of the sentencing court 1738
or parole board, subject to no conditions other than leading a 1739
law-abiding life. 1740

(AA) "Offender" means a person who, in this state, is 1741
convicted of or pleads guilty to a felony or a misdemeanor. 1742

(BB) "Prison" means a residential facility used for the 1743
confinement of convicted felony offenders that is under the 1744
control of the department of rehabilitation and correction but 1745
does not include a violation sanction center operated under 1746
authority of section 2967.141 of the Revised Code. 1747

(CC) "Prison term" includes any of the following sanctions 1748
for an offender: 1749

(1) A stated prison term; 1750

(2) A term in a prison shortened by, or with the approval of, 1751
the sentencing court pursuant to section 2929.20, 2967.26, 1752
5120.031, 5120.032, or 5120.073 of the Revised Code; 1753

(3) A term in prison extended by bad time imposed pursuant to 1754
section 2967.11 of the Revised Code or imposed for a violation of 1755
post-release control pursuant to section 2967.28 of the Revised 1756
Code. 1757

(DD) "Repeat violent offender" means a person about whom both 1758
of the following apply: 1759

(1) The person is being sentenced for committing or for 1760

complicity in committing any of the following: 1761

(a) Aggravated murder, murder, any felony of the first or 1762
second degree that is an offense of violence, or an attempt to 1763
commit any of these offenses if the attempt is a felony of the 1764
first or second degree; 1765

(b) An offense under an existing or former law of this state, 1766
another state, or the United States that is or was substantially 1767
equivalent to an offense described in division (DD)(1)(a) of this 1768
section. 1769

(2) The person previously was convicted of or pleaded guilty 1770
to an offense described in division (DD)(1)(a) or (b) of this 1771
section. 1772

(EE) "Sanction" means any penalty imposed upon an offender 1773
who is convicted of or pleads guilty to an offense, as punishment 1774
for the offense. "Sanction" includes any sanction imposed pursuant 1775
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1776
2929.28 of the Revised Code. 1777

(FF) "Sentence" means the sanction or combination of 1778
sanctions imposed by the sentencing court on an offender who is 1779
convicted of or pleads guilty to an offense. 1780

(GG) "Stated prison term" means the prison term, mandatory 1781
prison term, or combination of all prison terms and mandatory 1782
prison terms imposed by the sentencing court pursuant to section 1783
2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated prison 1784
term" includes any credit received by the offender for time spent 1785
in jail awaiting trial, sentencing, or transfer to prison for the 1786
offense and any time spent under house arrest or house arrest with 1787
electronic monitoring imposed after earning credits pursuant to 1788
section 2967.193 of the Revised Code. 1789

(HH) "Victim-offender mediation" means a reconciliation or 1790
mediation program that involves an offender and the victim of the 1791

offense committed by the offender and that includes a meeting in 1792
which the offender and the victim may discuss the offense, discuss 1793
restitution, and consider other sanctions for the offense. 1794

(II) "Fourth degree felony OVI offense" means a violation of 1795
division (A) of section 4511.19 of the Revised Code that, under 1796
division (G) of that section, is a felony of the fourth degree. 1797

(JJ) "Mandatory term of local incarceration" means the term 1798
of sixty or one hundred twenty days in a jail, a community-based 1799
correctional facility, a halfway house, or an alternative 1800
residential facility that a sentencing court may impose upon a 1801
person who is convicted of or pleads guilty to a fourth degree 1802
felony OVI offense pursuant to division (G)(1) of section 2929.13 1803
of the Revised Code and division (G)(1)(d) or (e) of section 1804
4511.19 of the Revised Code. 1805

(KK) "Designated homicide, assault, or kidnapping offense," 1806
"violent sex offense," "sexual motivation specification," 1807
"sexually violent offense," "sexually violent predator," and 1808
"sexually violent predator specification" have the same meanings 1809
as in section 2971.01 of the Revised Code. 1810

(LL) "Habitual sex offender," "sexually oriented offense," 1811
"sexual predator," "registration-exempt sexually oriented 1812
offense," "child-victim oriented offense," "habitual child-victim 1813
offender," and "child-victim predator" have the same meanings as 1814
in section 2950.01 of the Revised Code. 1815

(MM) An offense is "committed in the vicinity of a child" if 1816
the offender commits the offense within thirty feet of or within 1817
the same residential unit as a child who is under eighteen years 1818
of age, regardless of whether the offender knows the age of the 1819
child or whether the offender knows the offense is being committed 1820
within thirty feet of or within the same residential unit as the 1821
child and regardless of whether the child actually views the 1822

commission of the offense. 1823

(NN) "Family or household member" has the same meaning as in 1824
section 2919.25 of the Revised Code. 1825

(OO) "Motor vehicle" and "manufactured home" have the same 1826
meanings as in section 4501.01 of the Revised Code. 1827

(PP) "Detention" and "detention facility" have the same 1828
meanings as in section 2921.01 of the Revised Code. 1829

(QQ) "Third degree felony OVI offense" means a violation of 1830
division (A) of section 4511.19 of the Revised Code that, under 1831
division (G) of that section, is a felony of the third degree. 1832

(RR) "Random drug testing" has the same meaning as in section 1833
5120.63 of the Revised Code. 1834

(SS) "Felony sex offense" has the same meaning as in section 1835
2967.28 of the Revised Code. 1836

(TT) "Body armor" has the same meaning as in section 1837
2941.1411 of the Revised Code. 1838

(UU) "Electronic monitoring" means monitoring through the use 1839
of an electronic monitoring device. 1840

(VV) "Electronic monitoring device" means any of the 1841
following: 1842

(1) Any device that can be operated by electrical or battery 1843
power and that conforms with all of the following: 1844

(a) The device has a transmitter that can be attached to a 1845
person, that will transmit a specified signal to a receiver of the 1846
type described in division (VV)(1)(b) of this section if the 1847
transmitter is removed from the person, turned off, or altered in 1848
any manner without prior court approval in relation to electronic 1849
monitoring or without prior approval of the department of 1850
rehabilitation and correction in relation to the use of an 1851
electronic monitoring device for an inmate on transitional control 1852

or otherwise is tampered with, that can transmit continuously and 1853
periodically a signal to that receiver when the person is within a 1854
specified distance from the receiver, and that can transmit an 1855
appropriate signal to that receiver if the person to whom it is 1856
attached travels a specified distance from that receiver. 1857

(b) The device has a receiver that can receive continuously 1858
the signals transmitted by a transmitter of the type described in 1859
division (VV)(1)(a) of this section, can transmit continuously 1860
those signals by telephone to a central monitoring computer of the 1861
type described in division (VV)(1)(c) of this section, and can 1862
transmit continuously an appropriate signal to that central 1863
monitoring computer if the receiver is turned off or altered 1864
without prior court approval or otherwise tampered with. 1865

(c) The device has a central monitoring computer that can 1866
receive continuously the signals transmitted by telephone by a 1867
receiver of the type described in division (VV)(1)(b) of this 1868
section and can monitor continuously the person to whom an 1869
electronic monitoring device of the type described in division 1870
(VV)(1)(a) of this section is attached. 1871

(2) Any device that is not a device of the type described in 1872
division (VV)(1) of this section and that conforms with all of the 1873
following: 1874

(a) The device includes a transmitter and receiver that can 1875
monitor and determine the location of a subject person at any 1876
time, or at a designated point in time, through the use of a 1877
central monitoring computer or through other electronic means. 1878

(b) The device includes a transmitter and receiver that can 1879
determine at any time, or at a designated point in time, through 1880
the use of a central monitoring computer or other electronic means 1881
the fact that the transmitter is turned off or altered in any 1882
manner without prior approval of the court in relation to the 1883

electronic monitoring or without prior approval of the department 1884
of rehabilitation and correction in relation to the use of an 1885
electronic monitoring device for an inmate on transitional control 1886
or otherwise is tampered with. 1887

(3) Any type of technology that can adequately track or 1888
determine the location of a subject person at any time and that is 1889
approved by the director of rehabilitation and correction, 1890
including, but not limited to, any satellite technology, voice 1891
tracking system, or retinal scanning system that is so approved. 1892

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1893
a victim of an offense as a result of or related to the commission 1894
of the offense, including, but not limited to, pain and suffering; 1895
loss of society, consortium, companionship, care, assistance, 1896
attention, protection, advice, guidance, counsel, instruction, 1897
training, or education; mental anguish; and any other intangible 1898
loss. 1899

(XX) "Prosecutor" has the same meaning as in section 2935.01 1900
of the Revised Code. 1901

(YY) "Continuous alcohol monitoring" means the ability to 1902
automatically test and periodically transmit alcohol consumption 1903
levels and tamper attempts at least every hour, regardless of the 1904
location of the person who is being monitored. 1905

(ZZ) A person is "adjudicated a sexually violent predator" if 1906
the person is convicted of or pleads guilty to a violent sex 1907
offense and also is convicted of or pleads guilty to a sexually 1908
violent predator specification that was included in the 1909
indictment, count in the indictment, or information charging that 1910
violent sex offense or if the person is convicted of or pleads 1911
guilty to a designated homicide, assault, or kidnapping offense 1912
and also is convicted of or pleads guilty to both a sexual 1913
motivation specification and a sexually violent predator 1914

specification that were included in the indictment, count in the indictment, or information charging that designated homicide, assault, or kidnapping offense.

Section 2. That existing sections 2925.01, 2925.03, 2925.05, 2925.11, and 2929.01 of the Revised Code are hereby repealed.

Section 3. That the version of section 2925.03 of the Revised Code that is scheduled to take effect on July 1, 2007, be amended to read as follows:

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

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

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

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

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

(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;

(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 1943
approved for that purpose under the "Federal Food, Drug, and 1944
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1945
and is sold, offered for sale, prescribed, dispensed, or 1946
administered for that purpose in accordance with that act. 1947

(C) Whoever violates division (A) of this section is guilty 1948
of one of the following: 1949

(1) If the drug involved in the violation is any compound, 1950
mixture, preparation, or substance included in schedule I or 1951
schedule II, with the exception of marihuana, cocaine, L.S.D., 1952
heroin, and hashish, whoever violates division (A) of this section 1953
is guilty of aggravated trafficking in drugs. The penalty for the 1954
offense shall be determined as follows: 1955

(a) Except as otherwise provided in division (C)(1)(b), (c), 1956
(d), (e), or (f) of this section, aggravated trafficking in drugs 1957
is a felony of the fourth degree, and division (C) of section 1958
2929.13 of the Revised Code applies in determining whether to 1959
impose a prison term on the offender. 1960

(b) Except as otherwise provided in division (C)(1)(c), (d), 1961
(e), or (f) of this section, if the offense was committed in the 1962
vicinity of a school or in the vicinity of a juvenile, aggravated 1963
trafficking in drugs is a felony of the third degree, and division 1964
(C) of section 2929.13 of the Revised Code applies in determining 1965
whether to impose a prison term on the offender. 1966

(c) Except as otherwise provided in this division, if the 1967
amount of the drug involved equals or exceeds the bulk amount but 1968
is less than five times the bulk amount, aggravated trafficking in 1969
drugs is a felony of the third degree, and the court shall impose 1970
as a mandatory prison term one of the prison terms prescribed for 1971
a felony of the third degree. If the amount of the drug involved 1972
is within that range and if the offense was committed in the 1973

vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in 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) Except as otherwise provided in this division, 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 trafficking in 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. 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, aggravated trafficking in 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 fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in 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.

(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in 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 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 any compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of trafficking in drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b), (c), (d), or (e) of this section, trafficking in drugs 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)(2)(c), (d), or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs 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 the bulk amount but is less than five times the bulk amount, trafficking in drugs 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 drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third 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 drugs is a felony of the second degree, 2038
and there is a presumption for a prison term for the offense. 2039

(e) Except as otherwise provided in this division, if the 2040
amount of the drug involved equals or exceeds fifty times the bulk 2041
amount, trafficking in drugs is a felony of the second degree, and 2042
the court shall impose as a mandatory prison term one of the 2043
prison terms prescribed for a felony of the second degree. If the 2044
amount of the drug involved equals or exceeds fifty times the bulk 2045
amount and if the offense was committed in the vicinity of a 2046
school or in the vicinity of a juvenile, trafficking in drugs is a 2047
felony of the first degree, and the court shall impose as a 2048
mandatory prison term one of the prison terms prescribed for a 2049
felony of the first degree. 2050

(3) If the drug involved in the violation is marihuana or a 2051
compound, mixture, preparation, or substance containing marihuana 2052
other than hashish, whoever violates division (A) of this section 2053
is guilty of trafficking in marihuana. The penalty for the offense 2054
shall be determined as follows: 2055

(a) Except as otherwise provided in division (C)(3)(b), (c), 2056
(d), (e), (f), or (g) of this section, trafficking in marihuana is 2057
a felony of the fifth degree, and division (C) of section 2929.13 2058
of the Revised Code applies in determining whether to impose a 2059
prison term on the offender. 2060

(b) Except as otherwise provided in division (C)(3)(c), (d), 2061
(e), (f), or (g) of this section, if the offense was committed in 2062
the vicinity of a school or in the vicinity of a juvenile, 2063
trafficking in marihuana is a felony of the fourth degree, and 2064
division (C) of section 2929.13 of the Revised Code applies in 2065
determining whether to impose a prison term on the offender. 2066

(c) Except as otherwise provided in this division, if the 2067
amount of the drug involved equals or exceeds two hundred grams 2068

but is less than one thousand grams, trafficking in marihuana is a 2069
felony of the fourth degree, and division (C) of section 2929.13 2070
of the Revised Code applies in determining whether to impose a 2071
prison term on the offender. If the amount of the drug involved is 2072
within that range and if the offense was committed in the vicinity 2073
of a school or in the vicinity of a juvenile, trafficking in 2074
marihuana is a felony of the third degree, and division (C) of 2075
section 2929.13 of the Revised Code applies in determining whether 2076
to impose a prison term on the offender. 2077

(d) Except as otherwise provided in this division, if the 2078
amount of the drug involved equals or exceeds one thousand grams 2079
but is less than five thousand grams, trafficking in marihuana is 2080
a felony of the third degree, and division (C) of section 2929.13 2081
of the Revised Code applies in determining whether to impose a 2082
prison term on the offender. If the amount of the drug involved is 2083
within that range and if the offense was committed in the vicinity 2084
of a school or in the vicinity of a juvenile, trafficking in 2085
marihuana is a felony of the second degree, and there is a 2086
presumption that a prison term shall be imposed for the offense. 2087

(e) Except as otherwise provided in this division, if the 2088
amount of the drug involved equals or exceeds five thousand grams 2089
but is less than twenty thousand grams, trafficking in marihuana 2090
is a felony of the third degree, and there is a presumption that a 2091
prison term shall be imposed for the offense. If the amount of the 2092
drug involved is within that range and if the offense was 2093
committed in the vicinity of a school or in the vicinity of a 2094
juvenile, trafficking in marihuana is a felony of the second 2095
degree, and there is a presumption that a prison term shall be 2096
imposed for the offense. 2097

(f) Except as otherwise provided in this division, if the 2098
amount of the drug involved equals or exceeds twenty thousand 2099
grams, trafficking in marihuana is a felony of the second degree, 2100

and the court shall impose as a mandatory prison term the maximum 2101
prison term prescribed for a felony of the second degree. If the 2102
amount of the drug involved equals or exceeds twenty thousand 2103
grams and if the offense was committed in the vicinity of a school 2104
or in the vicinity of a juvenile, trafficking in marihuana is a 2105
felony of the first degree, and the court shall impose as a 2106
mandatory prison term the maximum prison term prescribed for a 2107
felony of the first degree. 2108

(g) Except as otherwise provided in this division, if the 2109
offense involves a gift of twenty grams or less of marihuana, 2110
trafficking in marihuana is a minor misdemeanor upon a first 2111
offense and a misdemeanor of the third degree upon a subsequent 2112
offense. If the offense involves a gift of twenty grams or less of 2113
marihuana and if the offense was committed in the vicinity of a 2114
school or in the vicinity of a juvenile, trafficking in marihuana 2115
is a misdemeanor of the third degree. 2116

(4) If the drug involved in the violation is cocaine or a 2117
compound, mixture, preparation, or substance containing cocaine, 2118
whoever violates division (A) of this section is guilty of 2119
trafficking in cocaine. The penalty for the offense shall be 2120
determined as follows: 2121

(a) Except as otherwise provided in division (C)(4)(b), (c), 2122
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 2123
felony of the fifth degree, and division (C) of section 2929.13 of 2124
the Revised Code applies in determining whether to impose a prison 2125
term on the offender. 2126

(b) Except as otherwise provided in division (C)(4)(c), (d), 2127
(e), (f), or (g) of this section, if the offense was committed in 2128
the vicinity of a school or in the vicinity of a juvenile, 2129
trafficking in cocaine is a felony of the fourth degree, and 2130
division (C) of section 2929.13 of the Revised Code applies in 2131
determining whether to impose a prison term on the offender. 2132

(c) Except as otherwise provided in this division, if the amount of the drug involved ~~equals or exceeds five grams but is less than ten grams of cocaine that is not crack cocaine~~ or equals or exceeds one gram but is less than five grams ~~of crack cocaine~~, trafficking in cocaine 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 ~~one of those ranges~~ that range and 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 third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved ~~equals or exceeds ten grams but is less than one hundred grams of cocaine that is not crack cocaine~~ ~~or~~ equals or exceeds five grams but is less than ten grams ~~of crack cocaine~~, trafficking in cocaine is a felony of the third degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within ~~one of those ranges~~ that range and 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 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) Except as otherwise provided in this division, if the amount of the drug involved ~~equals or exceeds one hundred grams but is less than five hundred grams of cocaine that is not crack cocaine~~ ~~or~~ equals or exceeds ten grams but is less than twenty-five grams ~~of crack cocaine~~, trafficking in cocaine 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. If the amount of the drug involved is

within ~~one of those ranges~~ that range and if the offense was 2165
committed in the vicinity of a school or in the vicinity of a 2166
juvenile, trafficking in cocaine is a felony of the first degree, 2167
and the court shall impose as a mandatory prison term one of the 2168
prison terms prescribed for a felony of the first degree. 2169

(f) If the amount of the drug involved ~~equals or exceeds five~~ 2170
~~hundred grams but is less than one thousand grams of cocaine that~~ 2171
~~is not crack cocaine or~~ equals or exceeds twenty-five grams but is 2172
less than one hundred grams ~~of crack cocaine~~ and regardless of 2173
whether the offense was committed in the vicinity of a school or 2174
in the vicinity of a juvenile, trafficking in cocaine is a felony 2175
of the first degree, and the court shall impose as a mandatory 2176
prison term one of the prison terms prescribed for a felony of the 2177
first degree. 2178

(g) If the amount of the drug involved ~~equals or exceeds one~~ 2179
~~thousand grams of cocaine that is not crack cocaine or~~ equals or 2180
exceeds one hundred grams ~~of crack cocaine~~ and regardless of 2181
whether the offense was committed in the vicinity of a school or 2182
in the vicinity of a juvenile, trafficking in cocaine is a felony 2183
of the first degree, the offender is a major drug offender, and 2184
the court shall impose as a mandatory prison term the maximum 2185
prison term prescribed for a felony of the first degree and may 2186
impose an additional mandatory prison term prescribed for a major 2187
drug offender under division (D)(3)(b) of section 2929.14 of the 2188
Revised Code. 2189

(5) If the drug involved in the violation is L.S.D. or a 2190
compound, mixture, preparation, or substance containing L.S.D., 2191
whoever violates division (A) of this section is guilty of 2192
trafficking in L.S.D. The penalty for the offense shall be 2193
determined as follows: 2194

(a) Except as otherwise provided in division (C)(5)(b), (c), 2195
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 2196

felony of the fifth degree, and division (C) of section 2929.13 of 2197
the Revised Code applies in determining whether to impose a prison 2198
term on the offender. 2199

(b) Except as otherwise provided in division (C)(5)(c), (d), 2200
(e), (f), or (g) of this section, if the offense was committed in 2201
the vicinity of a school or in the vicinity of a juvenile, 2202
trafficking in L.S.D. is a felony of the fourth degree, and 2203
division (C) of section 2929.13 of the Revised Code applies in 2204
determining whether to impose a prison term on the offender. 2205

(c) Except as otherwise provided in this division, if the 2206
amount of the drug involved equals or exceeds ten unit doses but 2207
is less than fifty unit doses of L.S.D. in a solid form or equals 2208
or exceeds one gram but is less than five grams of L.S.D. in a 2209
liquid concentrate, liquid extract, or liquid distillate form, 2210
trafficking in L.S.D. is a felony of the fourth degree, and there 2211
is a presumption for a prison term for the offense. If the amount 2212
of the drug involved is within that range and if the offense was 2213
committed in the vicinity of a school or in the vicinity of a 2214
juvenile, trafficking in L.S.D. is a felony of the third degree, 2215
and there is a presumption for a prison term for the offense. 2216

(d) Except as otherwise provided in this division, if the 2217
amount of the drug involved equals or exceeds fifty unit doses but 2218
is less than two hundred fifty unit doses of L.S.D. in a solid 2219
form or equals or exceeds five grams but is less than twenty-five 2220
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 2221
distillate form, trafficking in L.S.D. is a felony of the third 2222
degree, and the court shall impose as a mandatory prison term one 2223
of the prison terms prescribed for a felony of the third degree. 2224
If the amount of the drug involved is within that range and if the 2225
offense was committed in the vicinity of a school or in the 2226
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 2227
second degree, and the court shall impose as a mandatory prison 2228

term one of the prison terms prescribed for a felony of the second 2229
degree. 2230

(e) Except as otherwise provided in this division, if the 2231
amount of the drug involved equals or exceeds two hundred fifty 2232
unit doses but is less than one thousand unit doses of L.S.D. in a 2233
solid form or equals or exceeds twenty-five grams but is less than 2234
one hundred grams of L.S.D. in a liquid concentrate, liquid 2235
extract, or liquid distillate form, trafficking in L.S.D. is a 2236
felony of the second degree, and the court shall impose as a 2237
mandatory prison term one of the prison terms prescribed for a 2238
felony of the second degree. If the amount of the drug involved is 2239
within that range and if the offense was committed in the vicinity 2240
of a school or in the vicinity of a juvenile, trafficking in 2241
L.S.D. is a felony of the first degree, and the court shall impose 2242
as a mandatory prison term one of the prison terms prescribed for 2243
a felony of the first degree. 2244

(f) If the amount of the drug involved equals or exceeds one 2245
thousand unit doses but is less than five thousand unit doses of 2246
L.S.D. in a solid form or equals or exceeds one hundred grams but 2247
is less than five hundred grams of L.S.D. in a liquid concentrate, 2248
liquid extract, or liquid distillate form and regardless of 2249
whether the offense was committed in the vicinity of a school or 2250
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 2251
of the first degree, and the court shall impose as a mandatory 2252
prison term one of the prison terms prescribed for a felony of the 2253
first degree. 2254

(g) If the amount of the drug involved equals or exceeds five 2255
thousand unit doses of L.S.D. in a solid form or equals or exceeds 2256
five hundred grams of L.S.D. in a liquid concentrate, liquid 2257
extract, or liquid distillate form and regardless of whether the 2258
offense was committed in the vicinity of a school or in the 2259
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 2260

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 felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third 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 felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin 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. 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 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 the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams and regardless of whether 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 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.

(g) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred

fifty grams and regardless of whether 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 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.

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

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), or (f) of this section, trafficking in hashish 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)(7)(c), (d), (e), or (f) of this section, 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 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 grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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. If

the amount of the drug involved is within that range and if the 2357
offense was committed in the vicinity of a school or in the 2358
vicinity of a juvenile, trafficking in hashish is a felony of the 2359
third degree, and division (C) of section 2929.13 of the Revised 2360
Code applies in determining whether to impose a prison term on the 2361
offender. 2362

(d) Except as otherwise provided in this division, if the 2363
amount of the drug involved equals or exceeds fifty grams but is 2364
less than two hundred fifty grams of hashish in a solid form or 2365
equals or exceeds ten grams but is less than fifty grams of 2366
hashish in a liquid concentrate, liquid extract, or liquid 2367
distillate form, trafficking in hashish is a felony of the third 2368
degree, and division (C) of section 2929.13 of the Revised Code 2369
applies in determining whether to impose a prison term on the 2370
offender. If the amount of the drug involved is within that range 2371
and if the offense was committed in the vicinity of a school or in 2372
the vicinity of a juvenile, trafficking in hashish is a felony of 2373
the second degree, and there is a presumption that a prison term 2374
shall be imposed for the offense. 2375

(e) Except as otherwise provided in this division, if the 2376
amount of the drug involved equals or exceeds two hundred fifty 2377
grams but is less than one thousand grams of hashish in a solid 2378
form or equals or exceeds fifty grams but is less than two hundred 2379
grams of hashish in a liquid concentrate, liquid extract, or 2380
liquid distillate form, trafficking in hashish is a felony of the 2381
third degree, and there is a presumption that a prison term shall 2382
be imposed for the offense. If the amount of the drug involved is 2383
within that range and if the offense was committed in the vicinity 2384
of a school or in the vicinity of a juvenile, trafficking in 2385
hashish is a felony of the second degree, and there is a 2386
presumption that a prison term shall be imposed for the offense. 2387

(f) Except as otherwise provided in this division, if the 2388

amount of the drug involved equals or exceeds one thousand grams 2389
of hashish in a solid form or equals or exceeds two hundred grams 2390
of hashish in a liquid concentrate, liquid extract, or liquid 2391
distillate form, trafficking in hashish is a felony of the second 2392
degree, and the court shall impose as a mandatory prison term the 2393
maximum prison term prescribed for a felony of the second degree. 2394
If the amount of the drug involved is within that range and if the 2395
offense was committed in the vicinity of a school or in the 2396
vicinity of a juvenile, trafficking in hashish is a felony of the 2397
first degree, and the court shall impose as a mandatory prison 2398
term the maximum prison term prescribed for a felony of the first 2399
degree. 2400

(D) In addition to any prison term authorized or required by 2401
division (C) of this section and sections 2929.13 and 2929.14 of 2402
the Revised Code, and in addition to any other sanction imposed 2403
for the offense under this section or sections 2929.11 to 2929.18 2404
of the Revised Code, the court that sentences an offender who is 2405
convicted of or pleads guilty to a violation of division (A) of 2406
this section shall do all of the following that are applicable 2407
regarding the offender: 2408

(1) If the violation of division (A) of this section is a 2409
felony of the first, second, or third degree, the court shall 2410
impose upon the offender the mandatory fine specified for the 2411
offense under division (B)(1) of section 2929.18 of the Revised 2412
Code unless, as specified in that division, the court determines 2413
that the offender is indigent. Except as otherwise provided in 2414
division (H)(1) of this section, a mandatory fine or any other 2415
fine imposed for a violation of this section is subject to 2416
division (F) of this section. If a person is charged with a 2417
violation of this section that is a felony of the first, second, 2418
or third degree, posts bail, and forfeits the bail, the clerk of 2419
the court shall pay the forfeited bail pursuant to divisions 2420

(D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining amount was a fine imposed under division (H)(1) of this section.

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

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

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

(F)(1) Notwithstanding any contrary provision of section 3719.21 of the Revised Code and except as provided in division (H) of this section, the clerk of the court shall pay any mandatory fine imposed pursuant to division (D)(1) of this section and any fine other than a mandatory fine that is imposed for a violation of this section pursuant to division (A) or (B)(5) of section 2929.18 of the Revised Code to the county, township, municipal

corporation, park district, as created pursuant to section 511.18 2453
or 1545.04 of the Revised Code, or state law enforcement agencies 2454
in this state that primarily were responsible for or involved in 2455
making the arrest of, and in prosecuting, the offender. However, 2456
the clerk shall not pay a mandatory fine so imposed to a law 2457
enforcement agency unless the agency has adopted a written 2458
internal control policy under division (F)(2) of this section that 2459
addresses the use of the fine moneys that it receives. Each agency 2460
shall use the mandatory fines so paid to subsidize the agency's 2461
law enforcement efforts that pertain to drug offenses, in 2462
accordance with the written internal control policy adopted by the 2463
recipient agency under division (F)(2) of this section. 2464

(2)(a) Prior to receiving any fine moneys under division 2465
(F)(1) of this section or division (B) of section 2925.42 of the 2466
Revised Code, a law enforcement agency shall adopt a written 2467
internal control policy that addresses the agency's use and 2468
disposition of all fine moneys so received and that provides for 2469
the keeping of detailed financial records of the receipts of those 2470
fine moneys, the general types of expenditures made out of those 2471
fine moneys, and the specific amount of each general type of 2472
expenditure. The policy shall not provide for or permit the 2473
identification of any specific expenditure that is made in an 2474
ongoing investigation. All financial records of the receipts of 2475
those fine moneys, the general types of expenditures made out of 2476
those fine moneys, and the specific amount of each general type of 2477
expenditure by an agency are public records open for inspection 2478
under section 149.43 of the Revised Code. Additionally, a written 2479
internal control policy adopted under this division is such a 2480
public record, and the agency that adopted it shall comply with 2481
it. 2482

(b) Each law enforcement agency that receives in any calendar 2483
year any fine moneys under division (F)(1) of this section or 2484

division (B) of section 2925.42 of the Revised Code shall prepare 2485
a report covering the calendar year that cumulates all of the 2486
information contained in all of the public financial records kept 2487
by the agency pursuant to division (F)(2)(a) of this section for 2488
that calendar year, and shall send a copy of the cumulative 2489
report, no later than the first day of March in the calendar year 2490
following the calendar year covered by the report, to the attorney 2491
general. Each report received by the attorney general is a public 2492
record open for inspection under section 149.43 of the Revised 2493
Code. Not later than the fifteenth day of April in the calendar 2494
year in which the reports are received, the attorney general shall 2495
send to the president of the senate and the speaker of the house 2496
of representatives a written notification that does all of the 2497
following: 2498

(i) Indicates that the attorney general has received from law 2499
enforcement agencies reports of the type described in this 2500
division that cover the previous calendar year and indicates that 2501
the reports were received under this division; 2502

(ii) Indicates that the reports are open for inspection under 2503
section 149.43 of the Revised Code; 2504

(iii) Indicates that the attorney general will provide a copy 2505
of any or all of the reports to the president of the senate or the 2506
speaker of the house of representatives upon request. 2507

(3) As used in division (F) of this section: 2508

(a) "Law enforcement agencies" includes, but is not limited 2509
to, the state board of pharmacy and the office of a prosecutor. 2510

(b) "Prosecutor" has the same meaning as in section 2935.01 2511
of the Revised Code. 2512

(G) When required under division (D)(2) of this section or 2513
any other provision of this chapter, the court shall suspend for 2514
not less than six months or more than five years the driver's or 2515

commercial driver's license or permit of any person who is 2516
convicted of or pleads guilty to any violation of this section or 2517
any other specified provision of this chapter. If an offender's 2518
driver's or commercial driver's license or permit is suspended 2519
pursuant to this division, the offender, at any time after the 2520
expiration of two years from the day on which the offender's 2521
sentence was imposed or from the day on which the offender finally 2522
was released from a prison term under the sentence, whichever is 2523
later, may file a motion with the sentencing court requesting 2524
termination of the suspension; upon the filing of such a motion 2525
and the court's finding of good cause for the termination, the 2526
court may terminate the suspension. 2527

(H)(1) In addition to any prison term authorized or required 2528
by division (C) of this section and sections 2929.13 and 2929.14 2529
of the Revised Code, in addition to any other penalty or sanction 2530
imposed for the offense under this section or sections 2929.11 to 2531
2929.18 of the Revised Code, and in addition to the forfeiture of 2532
property in connection with the offense as prescribed in Chapter 2533
2981. of the Revised Code, the court that sentences an offender 2534
who is convicted of or pleads guilty to a violation of division 2535
(A) of this section may impose upon the offender an additional 2536
fine specified for the offense in division (B)(4) of section 2537
2929.18 of the Revised Code. A fine imposed under division (H)(1) 2538
of this section is not subject to division (F) of this section and 2539
shall be used solely for the support of one or more eligible 2540
alcohol and drug addiction programs in accordance with divisions 2541
(H)(2) and (3) of this section. 2542

(2) The court that imposes a fine under division (H)(1) of 2543
this section shall specify in the judgment that imposes the fine 2544
one or more eligible alcohol and drug addiction programs for the 2545
support of which the fine money is to be used. No alcohol and drug 2546
addiction program shall receive or use money paid or collected in 2547

satisfaction of a fine imposed under division (H)(1) of this 2548
section unless the program is specified in the judgment that 2549
imposes the fine. No alcohol and drug addiction program shall be 2550
specified in the judgment unless the program is an eligible 2551
alcohol and drug addiction program and, except as otherwise 2552
provided in division (H)(2) of this section, unless the program is 2553
located in the county in which the court that imposes the fine is 2554
located or in a county that is immediately contiguous to the 2555
county in which that court is located. If no eligible alcohol and 2556
drug addiction program is located in any of those counties, the 2557
judgment may specify an eligible alcohol and drug addiction 2558
program that is located anywhere within this state. 2559

(3) Notwithstanding any contrary provision of section 3719.21 2560
of the Revised Code, the clerk of the court shall pay any fine 2561
imposed under division (H)(1) of this section to the eligible 2562
alcohol and drug addiction program specified pursuant to division 2563
(H)(2) of this section in the judgment. The eligible alcohol and 2564
drug addiction program that receives the fine moneys shall use the 2565
moneys only for the alcohol and drug addiction services identified 2566
in the application for certification under section 3793.06 of the 2567
Revised Code or in the application for a license under section 2568
3793.11 of the Revised Code filed with the department of alcohol 2569
and drug addiction services by the alcohol and drug addiction 2570
program specified in the judgment. 2571

(4) Each alcohol and drug addiction program that receives in 2572
a calendar year any fine moneys under division (H)(3) of this 2573
section shall file an annual report covering that calendar year 2574
with the court of common pleas and the board of county 2575
commissioners of the county in which the program is located, with 2576
the court of common pleas and the board of county commissioners of 2577
each county from which the program received the moneys if that 2578
county is different from the county in which the program is 2579

located, and with the attorney general. The alcohol and drug 2580
addiction program shall file the report no later than the first 2581
day of March in the calendar year following the calendar year in 2582
which the program received the fine moneys. The report shall 2583
include statistics on the number of persons served by the alcohol 2584
and drug addiction program, identify the types of alcohol and drug 2585
addiction services provided to those persons, and include a 2586
specific accounting of the purposes for which the fine moneys 2587
received were used. No information contained in the report shall 2588
identify, or enable a person to determine the identity of, any 2589
person served by the alcohol and drug addiction program. Each 2590
report received by a court of common pleas, a board of county 2591
commissioners, or the attorney general is a public record open for 2592
inspection under section 149.43 of the Revised Code. 2593

(5) As used in divisions (H)(1) to (5) of this section: 2594

(a) "Alcohol and drug addiction program" and "alcohol and 2595
drug addiction services" have the same meanings as in section 2596
3793.01 of the Revised Code. 2597

(b) "Eligible alcohol and drug addiction program" means an 2598
alcohol and drug addiction program that is certified under section 2599
3793.06 of the Revised Code or licensed under section 3793.11 of 2600
the Revised Code by the department of alcohol and drug addiction 2601
services. 2602

Section 4. That existing section 2925.03 of the Revised Code 2603
that is scheduled to take effect on July 1, 2007, is hereby 2604
repealed. 2605

Section 5. Sections 3 and 4 of this act shall take effect on 2606
July 1, 2007. 2607

Section 6. Section 2929.01 of the Revised Code is presented 2608
in Section 1 of this act as a composite of the section as amended 2609

by both Am. Sub. H.B. 461 and Am. Sub. S.B. 260 of the 126th 2610
General Assembly. The General Assembly, applying the principle 2611
stated in division (B) of section 1.52 of the Revised Code that 2612
amendments are to be harmonized if reasonably capable of 2613
simultaneous operation, finds that the composite is the resulting 2614
version of the section in effect prior to the effective date of 2615
the section as presented in Section 1 of this act. 2616