

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 73**

**Senator Miller, R.**

**Cosponsors: Senators Smith, Mason, Goodman, Stivers, Clancy**

—

**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 authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

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

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

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

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

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

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

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

(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 units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.

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

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

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

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

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

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

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

(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 committed. 203  
204

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

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

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

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

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

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code; 228  
229  
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 231  
232  
233



who holds an Ohio permit issued under that chapter;	234
(3) A person who holds a certificate of qualification to	235
practice architecture issued or renewed and registered under	236
Chapter 4703. of the Revised Code;	237
(4) A person who is registered as a landscape architect under	238
Chapter 4703. of the Revised Code or who holds a permit as a	239
landscape architect issued under that chapter;	240
(5) A person licensed under Chapter 4707. of the Revised	241
Code;	242
(6) A person who has been issued a certificate of	243
registration as a registered barber under Chapter 4709. of the	244
Revised Code;	245
(7) A person licensed and regulated to engage in the business	246
of a debt pooling company by a legislative authority, under	247
authority of Chapter 4710. of the Revised Code;	248
(8) A person who has been issued a cosmetologist's license,	249
hair designer's license, manicurist's license, esthetician's	250
license, natural hair stylist's license, managing cosmetologist's	251
license, managing hair designer's license, managing manicurist's	252
license, managing esthetician's license, managing natural hair	253
stylist's license, cosmetology instructor's license, hair design	254
instructor's license, manicurist instructor's license, esthetics	255
instructor's license, natural hair style instructor's license,	256
independent contractor's license, or tanning facility permit under	257
Chapter 4713. of the Revised Code;	258
(9) A person who has been issued a license to practice	259
dentistry, a general anesthesia permit, a conscious intravenous	260
sedation permit, a limited resident's license, a limited teaching	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 funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	264 265 266 267
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	268 269 270 271
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	272 273 274
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	275 276
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	277 278
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	279 280 281 282
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	283 284
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	285 286 287 288
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	289 290
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	291 292
(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 estate salesperson under Chapter 4735. of the Revised Code;	295 296
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	297 298
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	299 300
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	301 302
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	303 304
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	305 306 307 308
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	309 310 311
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	312 313 314
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	315 316 317
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	318 319 320
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	321 322

(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	323 324 325 326
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	327 328
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	329 330 331
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	332 333
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	334 335 336
(X) "Cocaine" means any of the following:	337
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	338 339
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	340 341 342 343
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	344 345 346 347 348 349
(Y) "L.S.D." means lysergic acid diethylamide.	350
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid	351 352

concentrate, liquid extract, or liquid distillate form.	353
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	354 355
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	356 357 358 359 360 361 362
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.	363 364 365 366 367 368
(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.	369 370
(EE) "Minor drug possession offense" means either of the following:	371 372
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	373 374
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	375 376 377
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	378 379
<del>(GG) "Crack cocaine" means a compound, mixture, preparation, or substance that is or contains any amount of cocaine that is analytically identified as the base form of cocaine or that is in</del>	<del>380 381 382</del>

~~a form that resembles rocks or pebbles generally intended for individual use.~~ 383  
384

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

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

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

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

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

(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. 397  
398  
399  
400  
401

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

(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; 403  
404  
405  
406

(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; 407  
408  
409  
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 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 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 amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana 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 offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third 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 offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed 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 marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

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

amount of the drug involved equals or exceeds twenty thousand 570  
grams, trafficking in marihuana is a felony of the second degree, 571  
and the court shall impose as a mandatory prison term the maximum 572  
prison term prescribed for a felony of the second degree. If the 573  
amount of the drug involved equals or exceeds twenty thousand 574  
grams and if the offense was committed in the vicinity of a school 575  
or in the vicinity of a juvenile, trafficking in marihuana is a 576  
felony of the first degree, and the court shall impose as a 577  
mandatory prison term the maximum prison term prescribed for a 578  
felony of the first degree. 579

(g) Except as otherwise provided in this division, if the 580  
offense involves a gift of twenty grams or less of marihuana, 581  
trafficking in marihuana is a minor misdemeanor upon a first 582  
offense and a misdemeanor of the third degree upon a subsequent 583  
offense. If the offense involves a gift of twenty grams or less of 584  
marihuana and if the offense was committed in the vicinity of a 585  
school or in the vicinity of a juvenile, trafficking in marihuana 586  
is a misdemeanor of the third degree. 587

(4) If the drug involved in the violation is cocaine or a 588  
compound, mixture, preparation, or substance containing cocaine, 589  
whoever violates division (A) of this section is guilty of 590  
trafficking in cocaine. The penalty for the offense shall be 591  
determined as follows: 592

(a) Except as otherwise provided in division (C)(4)(b), (c), 593  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 594  
felony of the fifth degree, and division (C) of section 2929.13 of 595  
the Revised Code applies in determining whether to impose a prison 596  
term on the offender. 597

(b) Except as otherwise provided in division (C)(4)(c), (d), 598  
(e), (f), or (g) of this section, if the offense was committed in 599  
the vicinity of a school or in the vicinity of a juvenile, 600  
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 these 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 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 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 year any fine moneys under division (F)(1) of this section or division (B)(5) of section 2925.42 of the Revised Code shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the agency pursuant to division (F)(2)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

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

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

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

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

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

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

(G) When required under division (D)(2) of this section or



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 1016

support of which the fine money is to be used. No alcohol and drug 1017  
addiction program shall receive or use money paid or collected in 1018  
satisfaction of a fine imposed under division (H)(1) of this 1019  
section unless the program is specified in the judgment that 1020  
imposes the fine. No alcohol and drug addiction program shall be 1021  
specified in the judgment unless the program is an eligible 1022  
alcohol and drug addiction program and, except as otherwise 1023  
provided in division (H)(2) of this section, unless the program is 1024  
located in the county in which the court that imposes the fine is 1025  
located or in a county that is immediately contiguous to the 1026  
county in which that court is located. If no eligible alcohol and 1027  
drug addiction program is located in any of those counties, the 1028  
judgment may specify an eligible alcohol and drug addiction 1029  
program that is located anywhere within this state. 1030

(3) Notwithstanding any contrary provision of section 3719.21 1031  
of the Revised Code, the clerk of the court shall pay any fine 1032  
imposed under division (H)(1) of this section to the eligible 1033  
alcohol and drug addiction program specified pursuant to division 1034  
(H)(2) of this section in the judgment. The eligible alcohol and 1035  
drug addiction program that receives the fine moneys shall use the 1036  
moneys only for the alcohol and drug addiction services identified 1037  
in the application for certification under section 3793.06 of the 1038  
Revised Code or in the application for a license under section 1039  
3793.11 of the Revised Code filed with the department of alcohol 1040  
and drug addiction services by the alcohol and drug addiction 1041  
program specified in the judgment. 1042

(4) Each alcohol and drug addiction program that receives in 1043  
a calendar year any fine moneys under division (H)(3) of this 1044  
section shall file an annual report covering that calendar year 1045  
with the court of common pleas and the board of county 1046  
commissioners of the county in which the program is located, with 1047  
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 Code to the extent and under the circumstances described in those divisions.

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

(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 funding of drug trafficking, 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.

(3) If the drug involved in the violation is marihuana, whoever violates division (A) of this section is guilty of funding of marihuana trafficking, 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.

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

(1) The court shall impose 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 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 hashish, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

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

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

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

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

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



Revised Code. 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 compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of possession of cocaine. The penalty for the offense shall be determined as follows:

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

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

(c) If the amount of the drug involved ~~equals or exceeds twenty-five 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~~, possession of 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.

(d) 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~~, possession of 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) If the amount of the drug involved ~~equals or exceeds five~~

~~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~~ equals 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 1482  
required by division (C) of this section and sections 2929.13, 1483  
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 1484



addition to any other sanction that is imposed for the offense 1485  
under this section, sections 2929.11 to 2929.18, or sections 1486  
2929.21 to 2929.28 of the Revised Code, the court that sentences 1487  
an offender who is convicted of or pleads guilty to a violation of 1488  
division (A) of this section shall do all of the following that 1489  
are applicable regarding the offender: 1490

(1)(a) If the violation is a felony of the first, second, or 1491  
third degree, the court shall impose upon the offender the 1492  
mandatory fine specified for the offense under division (B)(1) of 1493  
section 2929.18 of the Revised Code unless, as specified in that 1494  
division, the court determines that the offender is indigent. 1495

(b) Notwithstanding any contrary provision of section 3719.21 1496  
of the Revised Code, the clerk of the court shall pay a mandatory 1497  
fine or other fine imposed for a violation of this section 1498  
pursuant to division (A) of section 2929.18 of the Revised Code in 1499  
accordance with and subject to the requirements of division (F) of 1500  
section 2925.03 of the Revised Code. The agency that receives the 1501  
fine shall use the fine as specified in division (F) of section 1502  
2925.03 of the Revised Code. 1503

(c) If a person is charged with a violation of this section 1504  
that is a felony of the first, second, or third degree, posts 1505  
bail, and forfeits the bail, the clerk shall pay the forfeited 1506  
bail pursuant to division (E)(1)(b) of this section as if it were 1507  
a mandatory fine imposed under division (E)(1)(a) of this section. 1508

(2) The court shall suspend for not less than six months or 1509  
more than five years the offender's driver's or commercial 1510  
driver's license or permit. 1511

(3) If the offender is a professionally licensed person, in 1512  
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 offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

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

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

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

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

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

(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 1640  
parole board. 1641

(R) "Intensive probation supervision" means a requirement 1642  
that an offender maintain frequent contact with a person appointed 1643  
by the court, or by the parole board pursuant to section 2967.28 1644  
of the Revised Code, to supervise the offender while the offender 1645  
is seeking or maintaining necessary employment and participating 1646  
in training, education, and treatment programs as required in the 1647  
court's or parole board's order. "Intensive probation supervision" 1648  
includes intensive parole supervision and intensive post-release 1649  
control supervision. 1650

(S) "Jail" means a jail, workhouse, minimum security jail, or 1651  
other residential facility used for the confinement of alleged or 1652  
convicted offenders that is operated by a political subdivision or 1653  
a combination of political subdivisions of this state. 1654

(T) "Jail term" means the term in a jail that a sentencing 1655  
court imposes or is authorized to impose pursuant to section 1656  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1657  
provision of the Revised Code that authorizes a term in a jail for 1658  
a misdemeanor conviction. 1659

(U) "Mandatory jail term" means the term in a jail that a 1660  
sentencing court is required to impose pursuant to division (G) of 1661  
section 1547.99 of the Revised Code, division (E) of section 1662  
2903.06 or division (D) of section 2903.08 of the Revised Code, 1663  
division (E) of section 2929.24 of the Revised Code, division (B) 1664  
of section 4510.14 of the Revised Code, or division (G) of section 1665  
4511.19 of the Revised Code or pursuant to any other provision of 1666  
the Revised Code that requires a term in a jail for a misdemeanor 1667  
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 a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board or agency that issued an offender a professional license or a license or permit to do business in this state and that specifies that the offender has been convicted of or pleaded guilty to an offense that may violate the conditions under which the offender's professional license or license or permit to do business in this state was granted or an offense for which the offender's professional license or license or permit to do business in this state may be revoked or suspended.

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

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

(1) Subject to division (Y)(2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 2929.13 and division (D) of section 2929.14 of the Revised Code. Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05,

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 Revised Code.

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

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

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

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

(1) A stated prison term;

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

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

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

(1) The person is being sentenced for committing or for complicity in committing any of the following:

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

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 meanings as in section 2921.01 of the Revised Code.	1828 1829
(QQ) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.	1830 1831 1832
(RR) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.	1833 1834
(SS) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.	1835 1836
(TT) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.	1837 1838
(UU) "Electronic monitoring" means monitoring through the use of an electronic monitoring device.	1839 1840
(VV) "Electronic monitoring device" means any of the following:	1841 1842
(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:	1843 1844
(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (VV)(1)(b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is	1845 1846 1847 1848 1849 1850 1851 1852 1853 1854 1855 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 1915  
indictment, or information charging that designated homicide, 1916  
assault, or kidnapping offense. 1917

**Section 2.** That existing sections 2925.01, 2925.03, 2925.05, 1918

2925.11, and 2929.01 of the Revised Code are hereby repealed. 1919

**Section 3.** That the version of section 2925.03 of the Revised 1920  
Code that is scheduled to take effect on July 1, 2007, be amended 1921  
to read as follows: 1922

**Sec. 2925.03.** (A) No person shall knowingly do any of the 1923  
following: 1924

(1) Sell or offer to sell a controlled substance; 1925

(2) Prepare for shipment, ship, transport, deliver, prepare 1926  
for distribution, or distribute a controlled substance, when the 1927  
offender knows or has reasonable cause to believe that the 1928  
controlled substance is intended for sale or resale by the 1929  
offender or another person. 1930

(B) This section does not apply to any of the following: 1931

(1) Manufacturers, licensed health professionals authorized 1932  
to prescribe drugs, pharmacists, owners of pharmacies, and other 1933  
persons whose conduct is in accordance with Chapters 3719., 4715., 1934  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1935

(2) If the offense involves an anabolic steroid, any person 1936  
who is conducting or participating in a research project involving 1937  
the use of an anabolic steroid if the project has been approved by 1938  
the United States food and drug administration; 1939

(3) Any person who sells, offers for sale, prescribes, 1940  
dispenses, or administers for livestock or other nonhuman species 1941  
an anabolic steroid that is expressly intended for administration 1942  
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 1974  
trafficking in drugs is a felony of the second degree, and the 1975  
court shall impose as a mandatory prison term one of the prison 1976  
terms prescribed for a felony of the second degree. 1977

(d) Except as otherwise provided in this division, if the 1978



amount of the drug involved equals or exceeds five times the bulk 1979  
amount but is less than fifty times the bulk amount, aggravated 1980  
trafficking in drugs is a felony of the second degree, and the 1981  
court shall impose as a mandatory prison term one of the prison 1982  
terms prescribed for a felony of the second degree. If the amount 1983  
of the drug involved is within that range and if the offense was 1984  
committed in the vicinity of a school or in the vicinity of a 1985  
juvenile, aggravated trafficking in drugs is a felony of the first 1986  
degree, and the court shall impose as a mandatory prison term one 1987  
of the prison terms prescribed for a felony of the first degree. 1988

(e) If the amount of the drug involved equals or exceeds 1989  
fifty times the bulk amount but is less than one hundred times the 1990  
bulk amount and regardless of whether the offense was committed in 1991  
the vicinity of a school or in the vicinity of a juvenile, 1992  
aggravated trafficking in drugs is a felony of the first degree, 1993  
and the court shall impose as a mandatory prison term one of the 1994  
prison terms prescribed for a felony of the first degree. 1995

(f) If the amount of the drug involved equals or exceeds one 1996  
hundred times the bulk amount and regardless of whether the 1997  
offense was committed in the vicinity of a school or in the 1998  
vicinity of a juvenile, aggravated trafficking in drugs is a 1999  
felony of the first degree, the offender is a major drug offender, 2000  
and the court shall impose as a mandatory prison term the maximum 2001  
prison term prescribed for a felony of the first degree and may 2002  
impose an additional prison term prescribed for a major drug 2003  
offender under division (D)(3)(b) of section 2929.14 of the 2004  
Revised Code. 2005

(2) If the drug involved in the violation is any compound, 2006  
mixture, preparation, or substance included in schedule III, IV, 2007  
or V, whoever violates division (A) of this section is guilty of 2008  
trafficking in drugs. The penalty for the offense shall be 2009  
determined as follows: 2010

(a) Except as otherwise provided in division (C)(2)(b), (c), 2011  
(d), or (e) of this section, trafficking in drugs is a felony of 2012  
the fifth degree, and division (C) of section 2929.13 of the 2013  
Revised Code applies in determining whether to impose a prison 2014  
term on the offender. 2015

(b) Except as otherwise provided in division (C)(2)(c), (d), 2016  
or (e) of this section, if the offense was committed in the 2017  
vicinity of a school or in the vicinity of a juvenile, trafficking 2018  
in drugs is a felony of the fourth degree, and division (C) of 2019  
section 2929.13 of the Revised Code applies in determining whether 2020  
to impose a prison term on the offender. 2021

(c) Except as otherwise provided in this division, if the 2022  
amount of the drug involved equals or exceeds the bulk amount but 2023  
is less than five times the bulk amount, trafficking in drugs is a 2024  
felony of the fourth degree, and there is a presumption for a 2025  
prison term for the offense. If the amount of the drug involved is 2026  
within that range and if the offense was committed in the vicinity 2027  
of a school or in the vicinity of a juvenile, trafficking in drugs 2028  
is a felony of the third degree, and there is a presumption for a 2029  
prison term for the offense. 2030

(d) Except as otherwise provided in this division, if the 2031  
amount of the drug involved equals or exceeds five times the bulk 2032  
amount but is less than fifty times the bulk amount, trafficking 2033  
in drugs is a felony of the third degree, and there is a 2034  
presumption for a prison term for the offense. If the amount of 2035  
the drug involved is within that range and if the offense was 2036  
committed in the vicinity of a school or in the vicinity of a 2037  
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 2133  
amount of the drug involved ~~equals or exceeds five grams but is~~ 2134  
~~less than ten grams of cocaine that is not crack cocaine or~~ 2135  
equals or exceeds one gram but is less than five grams ~~of crack cocaine,~~ 2136  
trafficking in cocaine is a felony of the fourth degree, and there 2137

is a presumption for a prison term for the offense. If the amount 2138  
of the drug involved is within ~~one of those ranges~~ that range and 2139  
if the offense was committed in the vicinity of a school or in the 2140  
vicinity of a juvenile, trafficking in cocaine is a felony of the 2141  
third degree, and there is a presumption for a prison term for the 2142  
offense. 2143

(d) Except as otherwise provided in this division, if the 2144  
amount of the drug involved ~~equals or exceeds ten grams but is~~ 2145  
~~less than one hundred grams of cocaine that is not crack cocaine~~ 2146  
~~or~~ equals or exceeds five grams but is less than ten grams ~~of~~ 2147  
~~crack cocaine~~, trafficking in cocaine is a felony of the third 2148  
degree, and the court shall impose as a mandatory prison term one 2149  
of the prison terms prescribed for a felony of the third degree. 2150  
If the amount of the drug involved is within ~~one of those ranges~~ 2151  
that range and if the offense was committed in the vicinity of a 2152  
school or in the vicinity of a juvenile, trafficking in cocaine is 2153  
a felony of the second degree, and the court shall impose as a 2154  
mandatory prison term one of the prison terms prescribed for a 2155  
felony of the second degree. 2156

(e) Except as otherwise provided in this division, if the 2157  
amount of the drug involved ~~equals or exceeds one hundred grams~~ 2158  
~~but is less than five hundred grams of cocaine that is not crack~~ 2159  
~~cocaine or~~ equals or exceeds ten grams but is less than 2160  
twenty-five grams ~~of crack cocaine~~, trafficking in cocaine is a 2161  
felony of the second degree, and the court shall impose as a 2162  
mandatory prison term one of the prison terms prescribed for a 2163  
felony of the second degree. If the amount of the drug involved is 2164  
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 2261  
shall impose as a mandatory prison term the maximum prison term 2262  
prescribed for a felony of the first degree and may impose an 2263  
additional mandatory prison term prescribed for a major drug 2264  
offender under division (D)(3)(b) of section 2929.14 of the 2265

Revised Code. 2266

(6) If the drug involved in the violation is heroin or a 2267  
compound, mixture, preparation, or substance containing heroin, 2268  
whoever violates division (A) of this section is guilty of 2269  
trafficking in heroin. The penalty for the offense shall be 2270  
determined as follows: 2271

(a) Except as otherwise provided in division (C)(6)(b), (c), 2272  
(d), (e), (f), or (g) of this section, trafficking in heroin is a 2273  
felony of the fifth degree, and division (C) of section 2929.13 of 2274  
the Revised Code applies in determining whether to impose a prison 2275  
term on the offender. 2276

(b) Except as otherwise provided in division (C)(6)(c), (d), 2277  
(e), (f), or (g) of this section, if the offense was committed in 2278  
the vicinity of a school or in the vicinity of a juvenile, 2279  
trafficking in heroin is a felony of the fourth degree, and 2280  
division (C) of section 2929.13 of the Revised Code applies in 2281  
determining whether to impose a prison term on the offender. 2282

(c) Except as otherwise provided in this division, if the 2283  
amount of the drug involved equals or exceeds ten unit doses but 2284  
is less than fifty unit doses or equals or exceeds one gram but is 2285  
less than five grams, trafficking in heroin is a felony of the 2286  
fourth degree, and there is a presumption for a prison term for 2287  
the offense. If the amount of the drug involved is within that 2288  
range and if the offense was committed in the vicinity of a school 2289  
or in the vicinity of a juvenile, trafficking in heroin is a 2290  
felony of the third degree, and there is a presumption for a 2291  
prison term for the offense. 2292

(d) Except as otherwise provided in this division, if the 2293  
amount of the drug involved equals or exceeds fifty unit doses but 2294  
is less than one hundred unit doses or equals or exceeds five 2295  
grams but is less than ten grams, trafficking in heroin is a 2296

felony of the third degree, and there is a presumption for a 2297  
prison term for the offense. If the amount of the drug involved is 2298  
within that range and if the offense was committed in the vicinity 2299  
of a school or in the vicinity of a juvenile, trafficking in 2300  
heroin is a felony of the second degree, and there is a 2301  
presumption for a prison term for the offense. 2302

(e) Except as otherwise provided in this division, if the 2303  
amount of the drug involved equals or exceeds one hundred unit 2304  
doses but is less than five hundred unit doses or equals or 2305  
exceeds ten grams but is less than fifty grams, trafficking in 2306  
heroin is a felony of the second degree, and the court shall 2307  
impose as a mandatory prison term one of the prison terms 2308  
prescribed for a felony of the second degree. If the amount of the 2309  
drug involved is within that range and if the offense was 2310  
committed in the vicinity of a school or in the vicinity of a 2311  
juvenile, trafficking in heroin is a felony of the first degree, 2312  
and the court shall impose as a mandatory prison term one of the 2313  
prison terms prescribed for a felony of the first degree. 2314

(f) If the amount of the drug involved equals or exceeds five 2315  
hundred unit doses but is less than two thousand five hundred unit 2316  
doses or equals or exceeds fifty grams but is less than two 2317  
hundred fifty grams and regardless of whether the offense was 2318  
committed in the vicinity of a school or in the vicinity of a 2319  
juvenile, trafficking in heroin is a felony of the first degree, 2320  
and the court shall impose as a mandatory prison term one of the 2321  
prison terms prescribed for a felony of the first degree. 2322

(g) If the amount of the drug involved equals or exceeds two 2323  
thousand five hundred unit doses or equals or exceeds two hundred 2324  
fifty grams and regardless of whether the offense was committed in 2325  
the vicinity of a school or in the vicinity of a juvenile, 2326  
trafficking in heroin is a felony of the first degree, the 2327  
offender is a major drug offender, and the court shall impose as a 2328

mandatory prison term the maximum prison term prescribed for a 2329  
felony of the first degree and may impose an additional mandatory 2330  
prison term prescribed for a major drug offender under division 2331  
(D)(3)(b) of section 2929.14 of the Revised Code. 2332

(7) If the drug involved in the violation is hashish or a 2333  
compound, mixture, preparation, or substance containing hashish, 2334  
whoever violates division (A) of this section is guilty of 2335  
trafficking in hashish. The penalty for the offense shall be 2336  
determined as follows: 2337

(a) Except as otherwise provided in division (C)(7)(b), (c), 2338  
(d), (e), or (f) of this section, trafficking in hashish is a 2339  
felony of the fifth degree, and division (C) of section 2929.13 of 2340  
the Revised Code applies in determining whether to impose a prison 2341  
term on the offender. 2342

(b) Except as otherwise provided in division (C)(7)(c), (d), 2343  
(e), or (f) of this section, if the offense was committed in the 2344  
vicinity of a school or in the vicinity of a juvenile, trafficking 2345  
in hashish is a felony of the fourth degree, and division (C) of 2346  
section 2929.13 of the Revised Code applies in determining whether 2347  
to impose a prison term on the offender. 2348

(c) Except as otherwise provided in this division, if the 2349  
amount of the drug involved equals or exceeds ten grams but is 2350  
less than fifty grams of hashish in a solid form or equals or 2351  
exceeds two grams but is less than ten grams of hashish in a 2352  
liquid concentrate, liquid extract, or liquid distillate form, 2353  
trafficking in hashish is a felony of the fourth degree, and 2354  
division (C) of section 2929.13 of the Revised Code applies in 2355  
determining whether to impose a prison term on the offender. If 2356  
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 2421  
fine imposed for a violation of this section. If any amount of the 2422  
forfeited bail remains after that payment and if a fine is imposed 2423  
under division (H)(1) of this section, the clerk of the court 2424

shall pay the remaining amount of the forfeited bail pursuant to 2425  
divisions (H)(2) and (3) of this section, as if that remaining 2426  
amount was a fine imposed under division (H)(1) of this section. 2427

(2) The court shall suspend the driver's or commercial 2428  
driver's license or permit of the offender in accordance with 2429  
division (G) of this section. 2430

(3) If the offender is a professionally licensed person, the 2431  
court immediately shall comply with section 2925.38 of the Revised 2432  
Code. 2433

(E) When a person is charged with the sale of or offer to 2434  
sell a bulk amount or a multiple of a bulk amount of a controlled 2435  
substance, the jury, or the court trying the accused, shall 2436  
determine the amount of the controlled substance involved at the 2437  
time of the offense and, if a guilty verdict is returned, shall 2438  
return the findings as part of the verdict. In any such case, it 2439  
is unnecessary to find and return the exact amount of the 2440  
controlled substance involved, and it is sufficient if the finding 2441  
and return is to the effect that the amount of the controlled 2442  
substance involved is the requisite amount, or that the amount of 2443  
the controlled substance involved is less than the requisite 2444  
amount. 2445

(F)(1) Notwithstanding any contrary provision of section 2446  
3719.21 of the Revised Code and except as provided in division (H) 2447  
of this section, the clerk of the court shall pay any mandatory 2448  
fine imposed pursuant to division (D)(1) of this section and any 2449  
fine other than a mandatory fine that is imposed for a violation 2450  
of this section pursuant to division (A) or (B)(5) of section 2451  
2929.18 of the Revised Code to the county, township, municipal 2452  
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