

As Passed by the House

129th General Assembly

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Am. Sub. S. B. No. 305

Senator Hughes

Cosponsors: Senators Patton, Turner, Bacon, Eklund, Jones

Representatives Ashford, Fedor, Letson, O'Brien Speaker Batchelder

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A B I L L

To enact section 2923.241 of the Revised Code to 1
prohibit designing, building, constructing, 2
fabricating, modifying, or altering a vehicle to 3
create or add a hidden compartment with the intent 4
to facilitate the unlawful concealment or 5
transportation of a controlled substance, prohibit 6
operating, possessing, or using a vehicle with a 7
hidden compartment with knowledge that the hidden 8
compartment is used or intended to be used to 9
facilitate the unlawful concealment or 10
transportation of a controlled substance, and 11
prohibit a person who has committed a first or 12
second degree felony violation of aggravated 13
trafficking in drugs from operating, possessing, 14
or using a vehicle with a hidden compartment. 15

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

Section 1. That section 2923.241 of the Revised Code be 16
enacted to read as follows: 17

Sec. 2923.241. (A) As used in this section: 18

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 19
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(2) "Hidden compartment" means a container, space, or enclosure that conceals, hides, or otherwise prevents the discovery of the contents of the container, space, or enclosure. "Hidden compartment" includes, but is not limited to, any of the following: 21
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(a) False, altered, or modified fuel tanks; 26

(b) Any original factory equipment on a vehicle that has been modified to conceal, hide, or prevent the discovery of the modified equipment's contents; 27
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(c) Any compartment, space, box, or other closed container that is added or attached to existing compartments, spaces, boxes, or closed containers integrated or attached to a vehicle. 30
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(3) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code and includes, but is not limited to, a motor vehicle, commercial tractor, trailer, noncommercial trailer, semitrailer, mobile home, recreational vehicle, or motor home. 33
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(4) "Motor vehicle," "commercial trailer," "trailer," "noncommercial trailer," "semitrailer," "mobile home," "manufacturer," "recreational vehicle," and "motor home" have the same meanings as in section 4501.01 of the Revised Code. 37
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(5) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code. 41
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(B) No person shall knowingly design, build, construct, or fabricate a vehicle with a hidden compartment, or modify or alter any portion of a vehicle in order to create or add a hidden compartment, with the intent to facilitate the unlawful concealment or transportation of a controlled substance. 43
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(C) No person shall knowingly operate, possess, or use a 48

vehicle with a hidden compartment with knowledge that the hidden 49
compartment is used or intended to be used to facilitate the 50
unlawful concealment or transportation of a controlled substance. 51

(D) No person who has been convicted of or pleaded guilty to 52
a violation of aggravated trafficking in drugs under section 53
2925.03 of the Revised Code that is a felony of the first or 54
second degree shall operate, possess, or use a vehicle with a 55
hidden compartment. 56

(E) Whoever violates division (B) of this section is guilty 57
of designing a vehicle with a hidden compartment used to transport 58
a controlled substance. Except as otherwise provided in this 59
division, designing a vehicle with a hidden compartment used to 60
transport a controlled substance is a felony of the fourth degree. 61
If the offender previously has been convicted of or pleaded guilty 62
to a violation of division (B) of this section, designing a 63
vehicle with a hidden compartment used to transport a controlled 64
substance is a felony of the third degree. 65

(F) Whoever violates division (C) or (D) of this section is 66
guilty of operating a vehicle with a hidden compartment used to 67
transport a controlled substance. Except as otherwise provided in 68
this division, operating a vehicle with a hidden compartment used 69
to transport a controlled substance is a felony of the fourth 70
degree. Except as otherwise provided in this division, if the 71
offender previously has been convicted of or pleaded guilty to a 72
violation of division (C) or (D) of this section, operating a 73
vehicle with a hidden compartment used to transport a controlled 74
substance is a felony of the third degree. If the hidden 75
compartment contains a controlled substance at the time of the 76
offense, operating a vehicle with a hidden compartment used to 77
transport a controlled substance is a felony of the second degree. 78

(G) This section does not apply to any law enforcement 79
officer acting in the performance of the law enforcement officer's 80

<u>duties.</u>	81
<u>(H)(1) This section does not apply to any licensed motor</u>	82
<u>vehicle dealer or motor vehicle manufacturer that in the ordinary</u>	83
<u>course of business repairs, purchases, receives in trade, leases,</u>	84
<u>or sells a motor vehicle.</u>	85
<u>(2) This section does not impose a duty on a licensed motor</u>	86
<u>vehicle dealer to know, discover, report, repair, or disclose the</u>	87
<u>existence of a hidden compartment to any person.</u>	88
<u>(I) This section does not apply to a box, safe, container, or</u>	89
<u>other item added to a vehicle for the purpose of securing</u>	90
<u>valuables, electronics, or firearms provided that at the time of</u>	91
<u>discovery the box, safe, container, or other item added to the</u>	92
<u>vehicle does not contain a controlled substance or visible residue</u>	93
<u>of a controlled substance.</u>	94