

**As Passed by the Senate**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. S. B. No. 305**

**Senator Hughes**

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

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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 19  
3719.01 of the Revised Code. 20

(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:

(a) False, altered, or modified fuel tanks;

(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;

(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.

(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.

(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.

(5) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code.

(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.

(C) No person shall knowingly operate, possess, or use a vehicle with a hidden compartment with knowledge that the hidden compartment is used or intended to be used to facilitate the

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  
duties. 81

(H)(1) This section does not apply to any licensed motor 82  
vehicle dealer or motor vehicle manufacturer that in the ordinary 83  
course of business repairs, purchases, receives in trade, leases, 84  
or sells a motor vehicle. 85

(2) This section does not impose a duty on a licensed motor 86  
vehicle dealer to know, discover, report, repair, or disclose the 87  
existence of a hidden compartment to any person. 88

(I) This section does not apply to a box, safe, container, or 89  
other item added to a vehicle which is commercially manufactured 90  
and advertised for the purpose of securing valuables, electronics, 91  
or firearms provided that at the time of discovery the box, safe, 92  
container, or other item added to the vehicle does not contain a 93  
controlled substance or residue of a controlled substance. 94