

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 42

Senator Eklund

**Cosponsors: Senators LaRose, Gardner, Bacon, Huffman, Brown, Hoagland,
Oelslager, Hite, Terhar, Peterson**

A BILL

To amend sections 2925.02, 2925.03, 2925.04, 1
2925.05, 2925.11, 2925.12, 2925.14, 2925.141, 2
2925.22, 2925.23, 2925.36, 2925.51, 2929.14, 3
3719.99, and 4729.99 of the Revised Code to 4
expressly provide that drug offense penalties 5
that refer to a particular type of drug also 6
apply to a compound, mixture, preparation, or 7
substance containing a detectable amount of that 8
drug and to declare an emergency. 9

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

Section 1. That sections 2925.02, 2925.03, 2925.04, 10
2925.05, 2925.11, 2925.12, 2925.14, 2925.141, 2925.22, 2925.23, 11
2925.36, 2925.51, 2929.14, 3719.99, and 4729.99 of the Revised 12
Code be amended to read as follows: 13

Sec. 2925.02. (A) No person shall knowingly do any of the 14
following: 15

(1) By force, threat, or deception, administer to another 16
or induce or cause another to use a controlled substance; 17

(2) By any means, administer or furnish to another or 18
induce or cause another to use a controlled substance with 19
purpose to cause serious physical harm to the other person, or 20
with purpose to cause the other person to become drug dependent; 21

(3) By any means, administer or furnish to another or 22
induce or cause another to use a controlled substance, and 23
thereby cause serious physical harm to the other person, or 24
cause the other person to become drug dependent; 25

(4) By any means, do any of the following: 26

(a) Furnish or administer a controlled substance to a 27
juvenile who is at least two years the offender's junior, when 28
the offender knows the age of the juvenile or is reckless in 29
that regard; 30

(b) Induce or cause a juvenile who is at least two years 31
the offender's junior to use a controlled substance, when the 32
offender knows the age of the juvenile or is reckless in that 33
regard; 34

(c) Induce or cause a juvenile who is at least two years 35
the offender's junior to commit a felony drug abuse offense, 36
when the offender knows the age of the juvenile or is reckless 37
in that regard; 38

(d) Use a juvenile, whether or not the offender knows the 39
age of the juvenile, to perform any surveillance activity that 40
is intended to prevent the detection of the offender or any 41
other person in the commission of a felony drug abuse offense or 42
to prevent the arrest of the offender or any other person for 43
the commission of a felony drug abuse offense. 44

(5) By any means, furnish or administer a controlled 45
substance to a pregnant woman or induce or cause a pregnant 46

woman to use a controlled substance, when the offender knows 47
that the woman is pregnant or is reckless in that regard. 48

(B) Division (A) (1), (3), (4), or (5) of this section does 49
not apply to manufacturers, wholesalers, licensed health 50
professionals authorized to prescribe drugs, pharmacists, owners 51
of pharmacies, and other persons whose conduct is in accordance 52
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 53
4741. of the Revised Code. 54

(C) Whoever violates this section is guilty of corrupting 55
another with drugs. The penalty for the offense shall be 56
determined as follows: 57

(1) If the offense is a violation of division (A) (1), (2), 58
(3), or (4) of this section and the drug involved is any 59
compound, mixture, preparation, or substance included in 60
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 61
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 62
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 63
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 64
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol and 65
any compound, mixture, preparation, or substance containing a 66
detectable amount of any such drug, the offender shall be 67
punished as follows: 68

(a) Except as otherwise provided in division (C) (1) (b) of 69
this section, corrupting another with drugs committed in those 70
circumstances is a felony of the second degree and, subject to 71
division (E) of this section, the court shall impose as a 72
mandatory prison term one of the prison terms prescribed for a 73
felony of the second degree. 74

(b) If the offense was committed in the vicinity of a 75

school, corrupting another with drugs committed in those 76
circumstances is a felony of the first degree, and, subject to 77
division (E) of this section, the court shall impose as a 78
mandatory prison term one of the prison terms prescribed for a 79
felony of the first degree. 80

(2) If the offense is a violation of division (A) (1), (2), 81
(3), or (4) of this section and the drug involved is any 82
compound, mixture, preparation, or substance included in 83
schedule III, IV, or V, the offender shall be punished as 84
follows: 85

(a) Except as otherwise provided in division (C) (2) (b) of 86
this section, corrupting another with drugs committed in those 87
circumstances is a felony of the second degree and there is a 88
presumption for a prison term for the offense. 89

(b) If the offense was committed in the vicinity of a 90
school, corrupting another with drugs committed in those 91
circumstances is a felony of the second degree and the court 92
shall impose as a mandatory prison term one of the prison terms 93
prescribed for a felony of the second degree. 94

(3) If the offense is a violation of division (A) (1), (2), 95
(3), or (4) of this section and the drug involved is marihuana, 96
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 97
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 98
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 99
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or 100
any compound, mixture, preparation, or substance containing a 101
detectable amount of any such drug, the offender shall be 102
punished as follows: 103

(a) Except as otherwise provided in division (C) (3) (b) of 104

this section, corrupting another with drugs committed in those 105
circumstances is a felony of the fourth degree and division (C) 106
of section 2929.13 of the Revised Code applies in determining 107
whether to impose a prison term on the offender. 108

(b) If the offense was committed in the vicinity of a 109
school, corrupting another with drugs committed in those 110
circumstances is a felony of the third degree and division (C) 111
of section 2929.13 of the Revised Code applies in determining 112
whether to impose a prison term on the offender. 113

(4) If the offense is a violation of division (A) (5) of 114
this section and the drug involved is any compound, mixture, 115
preparation, or substance included in schedule I or II, with the 116
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 117
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 118
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 119
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 120
3-hydroxycyclohexyl]-phenol and any compound, mixture, 121
preparation, or substance containing a detectable amount of any 122
such drug, corrupting another with drugs is a felony of the 123
first degree and, subject to division (E) of this section, the 124
court shall impose as a mandatory prison term one of the prison 125
terms prescribed for a felony of the first degree. 126

(5) If the offense is a violation of division (A) (5) of 127
this section and the drug involved is any compound, mixture, 128
preparation, or substance included in schedule III, IV, or V, 129
corrupting another with drugs is a felony of the second degree 130
and the court shall impose as a mandatory prison term one of the 131
prison terms prescribed for a felony of the second degree. 132

(6) If the offense is a violation of division (A) (5) of 133
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 134

naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 135
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 136
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 137
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or 138
any compound, mixture, preparation, or substance containing a 139
detectable amount of any such drug, corrupting another with 140
drugs is a felony of the third degree and division (C) of 141
section 2929.13 of the Revised Code applies in determining 142
whether to impose a prison term on the offender. 143

(D) In addition to any prison term authorized or required 144
by division (C) or (E) of this section and sections 2929.13 and 145
2929.14 of the Revised Code and in addition to any other 146
sanction imposed for the offense under this section or sections 147
2929.11 to 2929.18 of the Revised Code, the court that sentences 148
an offender who is convicted of or pleads guilty to a violation 149
of division (A) of this section may suspend for not more than 150
five years the offender's driver's or commercial driver's 151
license or permit. However, if the offender pleaded guilty to or 152
was convicted of a violation of section 4511.19 of the Revised 153
Code or a substantially similar municipal ordinance or the law 154
of another state or the United States arising out of the same 155
set of circumstances as the violation, the court shall suspend 156
the offender's driver's or commercial driver's license or permit 157
for not more than five years. The court also shall do all of the 158
following that are applicable regarding the offender: 159

(1) (a) If the violation is a felony of the first, second, 160
or third degree, the court shall impose upon the offender the 161
mandatory fine specified for the offense under division (B) (1) 162
of section 2929.18 of the Revised Code unless, as specified in 163
that division, the court determines that the offender is 164
indigent. 165

(b) Notwithstanding any contrary provision of section 166
3719.21 of the Revised Code, any mandatory fine imposed pursuant 167
to division (D) (1) (a) of this section and any fine imposed for a 168
violation of this section pursuant to division (A) of section 169
2929.18 of the Revised Code shall be paid by the clerk of the 170
court in accordance with and subject to the requirements of, and 171
shall be used as specified in, division (F) of section 2925.03 172
of the Revised Code. 173

(c) If a person is charged with any violation of this 174
section that is a felony of the first, second, or third degree, 175
posts bail, and forfeits the bail, the forfeited bail shall be 176
paid by the clerk of the court pursuant to division (D) (1) (b) of 177
this section as if it were a fine imposed for a violation of 178
this section. 179

(2) If the offender is a professionally licensed person, 180
in addition to any other sanction imposed for a violation of 181
this section, the court immediately shall comply with section 182
2925.38 of the Revised Code. 183

(E) Notwithstanding the prison term otherwise authorized 184
or required for the offense under division (C) of this section 185
and sections 2929.13 and 2929.14 of the Revised Code, if the 186
violation of division (A) of this section involves the sale, 187
offer to sell, or possession of a schedule I or II controlled 188
substance, with the exception of marihuana, 1-Pentyl-3-(1- 189
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 190
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 191
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 192
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol and 193
any compound, mixture, preparation, or substance containing a 194
detectable amount of any such drug, and if the court imposing 195

sentence upon the offender finds that the offender as a result 196
of the violation is a major drug offender and is guilty of a 197
specification of the type described in section 2941.1410 of the 198
Revised Code, the court, in lieu of the prison term that 199
otherwise is authorized or required, shall impose upon the 200
offender the mandatory prison term specified in division (B)(3) 201
(a) of section 2929.14 of the Revised Code. 202

(F)(1) If the sentencing court suspends the offender's 203
driver's or commercial driver's license or permit under division 204
(D) of this section, the offender, at any time after the 205
expiration of two years from the day on which the offender's 206
sentence was imposed or from the day on which the offender 207
finally was released from a prison term under the sentence, 208
whichever is later, may file a motion with the sentencing court 209
requesting termination of the suspension. Upon the filing of the 210
motion and the court's finding of good cause for the 211
determination, the court may terminate the suspension. 212

(2) Any offender who received a mandatory suspension of 213
the offender's driver's or commercial driver's license or permit 214
under this section prior to ~~the effective date of this amendment~~ 215
September 13, 2016, may file a motion with the sentencing court 216
requesting the termination of the suspension. However, an 217
offender who pleaded guilty to or was convicted of a violation 218
of section 4511.19 of the Revised Code or a substantially 219
similar municipal ordinance or law of another state or the 220
United States that arose out of the same set of circumstances as 221
the violation for which the offender's license or permit was 222
suspended under this section shall not file such a motion. 223

Upon the filing of a motion under division (F)(2) of this 224
section, the sentencing court, in its discretion, may terminate 225

the suspension.	226
Sec. 2925.03. (A) No person shall knowingly do any of the	227
following:	228
(1) Sell or offer to sell a controlled substance or a	229
controlled substance analog;	230
(2) Prepare for shipment, ship, transport, deliver,	231
prepare for distribution, or distribute a controlled substance	232
or a controlled substance analog, when the offender knows or has	233
reasonable cause to believe that the controlled substance or a	234
controlled substance analog is intended for sale or resale by	235
the offender or another person.	236
(B) This section does not apply to any of the following:	237
(1) Manufacturers, licensed health professionals	238
authorized to prescribe drugs, pharmacists, owners of	239
pharmacies, and other persons whose conduct is in accordance	240
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	241
4741. of the Revised Code;	242
(2) If the offense involves an anabolic steroid, any	243
person who is conducting or participating in a research project	244
involving the use of an anabolic steroid if the project has been	245
approved by the United States food and drug administration;	246
(3) Any person who sells, offers for sale, prescribes,	247
dispenses, or administers for livestock or other nonhuman	248
species an anabolic steroid that is expressly intended for	249
administration through implants to livestock or other nonhuman	250
species and approved for that purpose under the "Federal Food,	251
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	252
as amended, and is sold, offered for sale, prescribed,	253
dispensed, or administered for that purpose in accordance with	254

that act. 255

(C) Whoever violates division (A) of this section is 256
guilty of one of the following: 257

(1) If the drug involved in the violation is any compound, 258
mixture, preparation, or substance included in schedule I or 259
schedule II, with the exception of marihuana, cocaine, L.S.D., 260
heroin, hashish, and controlled substance analogs and of any 261
compound, mixture, preparation, or substance containing a 262
detectable amount of any such drug, whoever violates division 263
(A) of this section is guilty of aggravated trafficking in 264
drugs. The penalty for the offense shall be determined as 265
follows: 266

(a) Except as otherwise provided in division (C) (1) (b), 267
(c), (d), (e), or (f) of this section, aggravated trafficking in 268
drugs is a felony of the fourth degree, and division (C) of 269
section 2929.13 of the Revised Code applies in determining 270
whether to impose a prison term on the offender. 271

(b) Except as otherwise provided in division (C) (1) (c), 272
(d), (e), or (f) of this section, if the offense was committed 273
in the vicinity of a school or in the vicinity of a juvenile, 274
aggravated trafficking in drugs is a felony of the third degree, 275
and division (C) of section 2929.13 of the Revised Code applies 276
in determining whether to impose a prison term on the offender. 277

(c) Except as otherwise provided in this division, if the 278
amount of the drug involved equals or exceeds the bulk amount 279
but is less than five times the bulk amount, aggravated 280
trafficking in drugs is a felony of the third degree, and, 281
except as otherwise provided in this division, there is a 282
presumption for a prison term for the offense. If aggravated 283

trafficking in drugs is a felony of the third degree under this 284
division and if the offender two or more times previously has 285
been convicted of or pleaded guilty to a felony drug abuse 286
offense, the court shall impose as a mandatory prison term one 287
of the prison terms prescribed for a felony of the third degree. 288
If the amount of the drug involved is within that range and if 289
the offense was committed in the vicinity of a school or in the 290
vicinity of a juvenile, aggravated trafficking in drugs is a 291
felony of the second degree, and the court shall impose as a 292
mandatory prison term one of the prison terms prescribed for a 293
felony of the second degree. 294

(d) Except as otherwise provided in this division, if the 295
amount of the drug involved equals or exceeds five times the 296
bulk amount but is less than fifty times the bulk amount, 297
aggravated trafficking in drugs is a felony of the second 298
degree, and the court shall impose as a mandatory prison term 299
one of the prison terms prescribed for a felony of the second 300
degree. If the amount of the drug involved is within that range 301
and if the offense was committed in the vicinity of a school or 302
in the vicinity of a juvenile, aggravated trafficking in drugs 303
is a felony of the first degree, and the court shall impose as a 304
mandatory prison term one of the prison terms prescribed for a 305
felony of the first degree. 306

(e) If the amount of the drug involved equals or exceeds 307
fifty times the bulk amount but is less than one hundred times 308
the bulk amount and regardless of whether the offense was 309
committed in the vicinity of a school or in the vicinity of a 310
juvenile, aggravated trafficking in drugs is a felony of the 311
first degree, and the court shall impose as a mandatory prison 312
term one of the prison terms prescribed for a felony of the 313
first degree. 314

(f) If the amount of the drug involved equals or exceeds 315
one hundred times the bulk amount and regardless of whether the 316
offense was committed in the vicinity of a school or in the 317
vicinity of a juvenile, aggravated trafficking in drugs is a 318
felony of the first degree, the offender is a major drug 319
offender, and the court shall impose as a mandatory prison term 320
the maximum prison term prescribed for a felony of the first 321
degree. 322

(2) If the drug involved in the violation is any compound, 323
mixture, preparation, or substance included in schedule III, IV, 324
or V, whoever violates division (A) of this section is guilty of 325
trafficking in drugs. The penalty for the offense shall be 326
determined as follows: 327

(a) Except as otherwise provided in division (C) (2) (b), 328
(c), (d), or (e) of this section, trafficking in drugs is a 329
felony of the fifth degree, and division (B) of section 2929.13 330
of the Revised Code applies in determining whether to impose a 331
prison term on the offender. 332

(b) Except as otherwise provided in division (C) (2) (c), 333
(d), or (e) of this section, if the offense was committed in the 334
vicinity of a school or in the vicinity of a juvenile, 335
trafficking in drugs is a felony of the fourth degree, and 336
division (C) of section 2929.13 of the Revised Code applies in 337
determining whether to impose a prison term on the offender. 338

(c) Except as otherwise provided in this division, if the 339
amount of the drug involved equals or exceeds the bulk amount 340
but is less than five times the bulk amount, trafficking in 341
drugs is a felony of the fourth degree, and division (B) of 342
section 2929.13 of the Revised Code applies in determining 343
whether to impose a prison term for the offense. If the amount 344

of the drug involved is within that range and if the offense was 345
committed in the vicinity of a school or in the vicinity of a 346
juvenile, trafficking in drugs is a felony of the third degree, 347
and there is a presumption for a prison term for the offense. 348

(d) Except as otherwise provided in this division, if the 349
amount of the drug involved equals or exceeds five times the 350
bulk amount but is less than fifty times the bulk amount, 351
trafficking in drugs is a felony of the third degree, and there 352
is a presumption for a prison term for the offense. If the 353
amount of the drug involved is within that range and if the 354
offense was committed in the vicinity of a school or in the 355
vicinity of a juvenile, trafficking in drugs is a felony of the 356
second degree, and there is a presumption for a prison term for 357
the offense. 358

(e) Except as otherwise provided in this division, if the 359
amount of the drug involved equals or exceeds fifty times the 360
bulk amount, trafficking in drugs is a felony of the second 361
degree, and the court shall impose as a mandatory prison term 362
one of the prison terms prescribed for a felony of the second 363
degree. If the amount of the drug involved equals or exceeds 364
fifty times the bulk amount and if the offense was committed in 365
the vicinity of a school or in the vicinity of a juvenile, 366
trafficking in drugs is a felony of the first degree, and the 367
court shall impose as a mandatory prison term one of the prison 368
terms prescribed for a felony of the first degree. 369

(3) If the drug involved in the violation is marihuana or 370
a compound, mixture, preparation, or substance containing a 371
detectable amount of marihuana other than hashish, whoever 372
violates division (A) of this section is guilty of trafficking 373
in marihuana. The penalty for the offense shall be determined as 374

follows: 375

(a) Except as otherwise provided in division (C) (3) (b), 376
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 377
marihuana is a felony of the fifth degree, and division (B) of 378
section 2929.13 of the Revised Code applies in determining 379
whether to impose a prison term on the offender. 380

(b) Except as otherwise provided in division (C) (3) (c), 381
(d), (e), (f), (g), or (h) of this section, if the offense was 382
committed in the vicinity of a school or in the vicinity of a 383
juvenile, trafficking in marihuana is a felony of the fourth 384
degree, and division (B) of section 2929.13 of the Revised Code 385
applies in determining whether to impose a prison term on the 386
offender. 387

(c) Except as otherwise provided in this division, if the 388
amount of the drug involved equals or exceeds two hundred grams 389
but is less than one thousand grams of marihuana or of the 390
compound, mixture, preparation, or substance containing the 391
detectable amount of marihuana, trafficking in marihuana is a 392
felony of the fourth degree, and division (B) of section 2929.13 393
of the Revised Code applies in determining whether to impose a 394
prison term on the offender. If the amount of the drug involved 395
is within that range and if the offense was committed in the 396
vicinity of a school or in the vicinity of a juvenile, 397
trafficking in marihuana is a felony of the third degree, and 398
division (C) of section 2929.13 of the Revised Code applies in 399
determining whether to impose a prison term on the offender. 400

(d) Except as otherwise provided in this division, if the 401
amount of the drug involved equals or exceeds one thousand grams 402
but is less than five thousand grams of marihuana or of the 403
compound, mixture, preparation, or substance containing the 404

detectable amount of marihuana, trafficking in marihuana is a 405
felony of the third degree, and division (C) of section 2929.13 406
of the Revised Code applies in determining whether to impose a 407
prison term on the offender. If the amount of the drug involved 408
is within that range and if the offense was committed in the 409
vicinity of a school or in the vicinity of a juvenile, 410
trafficking in marihuana is a felony of the second degree, and 411
there is a presumption that a prison term shall be imposed for 412
the offense. 413

(e) Except as otherwise provided in this division, if the 414
amount of the drug involved equals or exceeds five thousand 415
grams but is less than twenty thousand grams of marihuana or of 416
the compound, mixture, preparation, or substance containing the 417
detectable amount of marihuana, trafficking in marihuana is a 418
felony of the third degree, and there is a presumption that a 419
prison term shall be imposed for the offense. If the amount of 420
the drug involved is within that range and if the offense was 421
committed in the vicinity of a school or in the vicinity of a 422
juvenile, trafficking in marihuana is a felony of the second 423
degree, and there is a presumption that a prison term shall be 424
imposed for the offense. 425

(f) Except as otherwise provided in this division, if the 426
amount of the drug involved equals or exceeds twenty thousand 427
grams but is less than forty thousand grams of marihuana or of 428
the compound, mixture, preparation, or substance containing the 429
detectable amount of marihuana, trafficking in marihuana is a 430
felony of the second degree, and the court shall impose a 431
mandatory prison term of five, six, seven, or eight years. If 432
the amount of the drug involved is within that range and if the 433
offense was committed in the vicinity of a school or in the 434
vicinity of a juvenile, trafficking in marihuana is a felony of 435

the first degree, and the court shall impose as a mandatory 436
prison term the maximum prison term prescribed for a felony of 437
the first degree. 438

(g) Except as otherwise provided in this division, if the 439
amount of the drug involved equals or exceeds forty thousand 440
grams of marihuana or of the compound, mixture, preparation, or 441
substance containing the detectable amount of marihuana, 442
trafficking in marihuana is a felony of the second degree, and 443
the court shall impose as a mandatory prison term the maximum 444
prison term prescribed for a felony of the second degree. If the 445
amount of the drug involved equals or exceeds forty thousand 446
grams of marihuana or of the compound, mixture, preparation, or 447
substance containing the detectable amount of marihuana and if 448
the offense was committed in the vicinity of a school or in the 449
vicinity of a juvenile, trafficking in marihuana is a felony of 450
the first degree, and the court shall impose as a mandatory 451
prison term the maximum prison term prescribed for a felony of 452
the first degree. 453

(h) Except as otherwise provided in this division, if the 454
offense involves a gift of twenty grams or less of marihuana or 455
of the compound, mixture, preparation, or substance containing 456
the detectable amount of marihuana, trafficking in marihuana is 457
a minor misdemeanor upon a first offense and a misdemeanor of 458
the third degree upon a subsequent offense. If the offense 459
involves a gift of twenty grams or less of marihuana or of the 460
compound, mixture, preparation, or substance containing the 461
detectable amount of marihuana and if the offense was committed 462
in the vicinity of a school or in the vicinity of a juvenile, 463
trafficking in marihuana is a misdemeanor of the third degree. 464

(4) If the drug involved in the violation is cocaine or a 465

compound, mixture, preparation, or substance containing a 466
detectable amount of cocaine, whoever violates division (A) of 467
this section is guilty of trafficking in cocaine. The penalty 468
for the offense shall be determined as follows: 469

(a) Except as otherwise provided in division (C) (4) (b), 470
(c), (d), (e), (f), or (g) of this section, trafficking in 471
cocaine is a felony of the fifth degree, and division (B) of 472
section 2929.13 of the Revised Code applies in determining 473
whether to impose a prison term on the offender. 474

(b) Except as otherwise provided in division (C) (4) (c), 475
(d), (e), (f), or (g) of this section, if the offense was 476
committed in the vicinity of a school or in the vicinity of a 477
juvenile, trafficking in cocaine is a felony of the fourth 478
degree, and division (C) of section 2929.13 of the Revised Code 479
applies in determining whether to impose a prison term on the 480
offender. 481

(c) Except as otherwise provided in this division, if the 482
amount of the drug involved equals or exceeds five grams but is 483
less than ten grams of cocaine or of the compound, mixture, 484
preparation, or substance containing the detectable amount of 485
cocaine, trafficking in cocaine is a felony of the fourth 486
degree, and division (B) of section 2929.13 of the Revised Code 487
applies in determining whether to impose a prison term for the 488
offense. If the amount of the drug involved is within that range 489
and if the offense was committed in the vicinity of a school or 490
in the vicinity of a juvenile, trafficking in cocaine is a 491
felony of the third degree, and there is a presumption for a 492
prison term for the offense. 493

(d) Except as otherwise provided in this division, if the 494
amount of the drug involved equals or exceeds ten grams but is 495

less than twenty grams of cocaine or of the compound, mixture, 496
preparation, or substance containing the detectable amount of 497
cocaine, trafficking in cocaine is a felony of the third degree, 498
and, except as otherwise provided in this division, there is a 499
presumption for a prison term for the offense. If trafficking in 500
cocaine is a felony of the third degree under this division and 501
if the offender two or more times previously has been convicted 502
of or pleaded guilty to a felony drug abuse offense, the court 503
shall impose as a mandatory prison term one of the prison terms 504
prescribed for a felony of the third degree. If the amount of 505
the drug involved is within that range and if the offense was 506
committed in the vicinity of a school or in the vicinity of a 507
juvenile, trafficking in cocaine is a felony of the second 508
degree, and the court shall impose as a mandatory prison term 509
one of the prison terms prescribed for a felony of the second 510
degree. 511

(e) Except as otherwise provided in this division, if the 512
amount of the drug involved equals or exceeds twenty grams but 513
is less than twenty-seven grams of cocaine or of the compound, 514
mixture, preparation, or substance containing the detectable 515
amount of cocaine, trafficking in cocaine is a felony of the 516
second degree, and the court shall impose as a mandatory prison 517
term one of the prison terms prescribed for a felony of the 518
second degree. If the amount of the drug involved is within that 519
range and if the offense was committed in the vicinity of a 520
school or in the vicinity of a juvenile, trafficking in cocaine 521
is a felony of the first degree, and the court shall impose as a 522
mandatory prison term one of the prison terms prescribed for a 523
felony of the first degree. 524

(f) If the amount of the drug involved equals or exceeds 525
twenty-seven grams but is less than one hundred grams of cocaine 526

or of the compound, mixture, preparation, or substance 527
containing the detectable amount of cocaine and regardless of 528
whether the offense was committed in the vicinity of a school or 529
in the vicinity of a juvenile, trafficking in cocaine is a 530
felony of the first degree, and the court shall impose as a 531
mandatory prison term one of the prison terms prescribed for a 532
felony of the first degree. 533

(g) If the amount of the drug involved equals or exceeds 534
one hundred grams of cocaine or of the compound, mixture, 535
preparation, or substance containing the detectable amount of 536
cocaine and regardless of whether the offense was committed in 537
the vicinity of a school or in the vicinity of a juvenile, 538
trafficking in cocaine is a felony of the first degree, the 539
offender is a major drug offender, and the court shall impose as 540
a mandatory prison term the maximum prison term prescribed for a 541
felony of the first degree. 542

(5) If the drug involved in the violation is L.S.D. or a 543
compound, mixture, preparation, or substance containing a 544
detectable amount of L.S.D., whoever violates division (A) of 545
this section is guilty of trafficking in L.S.D. The penalty for 546
the offense shall be determined as follows: 547

(a) Except as otherwise provided in division (C) (5) (b), 548
(c), (d), (e), (f), or (g) of this section, trafficking in 549
L.S.D. is a felony of the fifth degree, and division (B) of 550
section 2929.13 of the Revised Code applies in determining 551
whether to impose a prison term on the offender. 552

(b) Except as otherwise provided in division (C) (5) (c), 553
(d), (e), (f), or (g) of this section, if the offense was 554
committed in the vicinity of a school or in the vicinity of a 555
juvenile, trafficking in L.S.D. is a felony of the fourth 556

degree, and division (C) of section 2929.13 of the Revised Code 557
applies in determining whether to impose a prison term on the 558
offender. 559

(c) Except as otherwise provided in this division, if the 560
amount of the drug involved equals or exceeds ten unit doses but 561
is less than fifty unit doses of L.S.D. or of the compound, 562
mixture, preparation, or substance containing the detectable 563
amount of L.S.D. in a solid form or equals or exceeds one gram 564
but is less than five grams of L.S.D. or of the compound, 565
mixture, preparation, or substance containing the detectable 566
amount of L.S.D. in a liquid concentrate, liquid extract, or 567
liquid distillate form, trafficking in L.S.D. is a felony of the 568
fourth degree, and division (B) of section 2929.13 of the 569
Revised Code applies in determining whether to impose a prison 570
term for the offense. If the amount of the drug involved is 571
within that range and if the offense was committed in the 572
vicinity of a school or in the vicinity of a juvenile, 573
trafficking in L.S.D. is a felony of the third degree, and there 574
is a presumption for a prison term for the offense. 575

(d) Except as otherwise provided in this division, if the 576
amount of the drug involved equals or exceeds fifty unit doses 577
but is less than two hundred fifty unit doses of L.S.D. or of 578
the compound, mixture, preparation, or substance containing the 579
detectable amount of L.S.D. in a solid form or equals or exceeds 580
five grams but is less than twenty-five grams of L.S.D. or of 581
the compound, mixture, preparation, or substance containing the 582
detectable amount of L.S.D. in a liquid concentrate, liquid 583
extract, or liquid distillate form, trafficking in L.S.D. is a 584
felony of the third degree, and, except as otherwise provided in 585
this division, there is a presumption for a prison term for the 586
offense. If trafficking in L.S.D. is a felony of the third 587

degree under this division and if the offender two or more times 588
previously has been convicted of or pleaded guilty to a felony 589
drug abuse offense, the court shall impose as a mandatory prison 590
term one of the prison terms prescribed for a felony of the 591
third degree. If the amount of the drug involved is within that 592
range and if the offense was committed in the vicinity of a 593
school or in the vicinity of a juvenile, trafficking in L.S.D. 594
is a felony of the second degree, and the court shall impose as 595
a mandatory prison term one of the prison terms prescribed for a 596
felony of the second degree. 597

(e) Except as otherwise provided in this division, if the 598
amount of the drug involved equals or exceeds two hundred fifty 599
unit doses but is less than one thousand unit doses of L.S.D. or 600
of the compound, mixture, preparation, or substance containing 601
the detectable amount of L.S.D. in a solid form or equals or 602
exceeds twenty-five grams but is less than one hundred grams of 603
L.S.D. or of the compound, mixture, preparation, or substance 604
containing the detectable amount of L.S.D. in a liquid 605
concentrate, liquid extract, or liquid distillate form, 606
trafficking in L.S.D. is a felony of the second degree, and the 607
court shall impose as a mandatory prison term one of the prison 608
terms prescribed for a felony of the second degree. If the 609
amount of the drug involved is within that range and if the 610
offense was committed in the vicinity of a school or in the 611
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 612
first degree, and the court shall impose as a mandatory prison 613
term one of the prison terms prescribed for a felony of the 614
first degree. 615

(f) If the amount of the drug involved equals or exceeds 616
one thousand unit doses but is less than five thousand unit 617
doses of L.S.D. or of the compound, mixture, preparation, or 618

substance containing the detectable amount of L.S.D. in a solid 619
form or equals or exceeds one hundred grams but is less than 620
five hundred grams of L.S.D. or of the compound, mixture, 621
preparation, or substance containing the detectable amount of 622
L.S.D. in a liquid concentrate, liquid extract, or liquid 623
distillate form and regardless of whether the offense was 624
committed in the vicinity of a school or in the vicinity of a 625
juvenile, trafficking in L.S.D. is a felony of the first degree, 626
and the court shall impose as a mandatory prison term one of the 627
prison terms prescribed for a felony of the first degree. 628

(g) If the amount of the drug involved equals or exceeds 629
five thousand unit doses of L.S.D. or of the compound, mixture, 630
preparation, or substance containing the detectable amount of 631
L.S.D. in a solid form or equals or exceeds five hundred grams 632
of L.S.D. or of the compound, mixture, preparation, or substance 633
containing the detectable amount of L.S.D. in a liquid 634
concentrate, liquid extract, or liquid distillate form and 635
regardless of whether the offense was committed in the vicinity 636
of a school or in the vicinity of a juvenile, trafficking in 637
L.S.D. is a felony of the first degree, the offender is a major 638
drug offender, and the court shall impose as a mandatory prison 639
term the maximum prison term prescribed for a felony of the 640
first degree. 641

(6) If the drug involved in the violation is heroin or a 642
compound, mixture, preparation, or substance containing a 643
detectable amount of heroin, whoever violates division (A) of 644
this section is guilty of trafficking in heroin. The penalty for 645
the offense shall be determined as follows: 646

(a) Except as otherwise provided in division (C) (6) (b), 647
(c), (d), (e), (f), or (g) of this section, trafficking in 648

heroin is a felony of the fifth degree, and division (B) of 649
section 2929.13 of the Revised Code applies in determining 650
whether to impose a prison term on the offender. 651

(b) Except as otherwise provided in division (C) (6) (c), 652
(d), (e), (f), or (g) of this section, if the offense was 653
committed in the vicinity of a school or in the vicinity of a 654
juvenile, trafficking in heroin is a felony of the fourth 655
degree, and division (C) of section 2929.13 of the Revised Code 656
applies in determining whether to impose a prison term on the 657
offender. 658

(c) Except as otherwise provided in this division, if the 659
amount of the drug involved equals or exceeds ten unit doses but 660
is less than fifty unit doses of heroin or of the compound, 661
mixture, preparation, or substance containing the detectable 662
amount of heroin or equals or exceeds one gram but is less than 663
five grams of heroin or of the compound, mixture, preparation, 664
or substance containing the detectable amount of heroin, 665
trafficking in heroin is a felony of the fourth degree, and 666
division (B) of section 2929.13 of the Revised Code applies in 667
determining whether to impose a prison term for the offense. If 668
the amount of the drug involved is within that range and if the 669
offense was committed in the vicinity of a school or in the 670
vicinity of a juvenile, trafficking in heroin is a felony of the 671
third degree, and there is a presumption for a prison term for 672
the offense. 673

(d) Except as otherwise provided in this division, if the 674
amount of the drug involved equals or exceeds fifty unit doses 675
but is less than one hundred unit doses of heroin or of the 676
compound, mixture, preparation, or substance containing the 677
detectable amount of heroin or equals or exceeds five grams but 678

is less than ten grams of heroin or of the compound, mixture, 679
preparation, or substance containing the detectable amount of 680
heroin, trafficking in heroin is a felony of the third degree, 681
and there is a presumption for a prison term for the offense. If 682
the amount of the drug involved is within that range and if the 683
offense was committed in the vicinity of a school or in the 684
vicinity of a juvenile, trafficking in heroin is a felony of the 685
second degree, and there is a presumption for a prison term for 686
the offense. 687

(e) Except as otherwise provided in this division, if the 688
amount of the drug involved equals or exceeds one hundred unit 689
doses but is less than five hundred unit doses of heroin or of 690
the compound, mixture, preparation, or substance containing the 691
detectable amount of heroin or equals or exceeds ten grams but 692
is less than fifty grams of heroin or of the compound, mixture, 693
preparation, or substance containing the detectable amount of 694
heroin, trafficking in heroin is a felony of the second degree, 695
and the court shall impose as a mandatory prison term one of the 696
prison terms prescribed for a felony of the second degree. If 697
the amount of the drug involved is within that range and if the 698
offense was committed in the vicinity of a school or in the 699
vicinity of a juvenile, trafficking in heroin is a felony of the 700
first degree, and the court shall impose as a mandatory prison 701
term one of the prison terms prescribed for a felony of the 702
first degree. 703

(f) If the amount of the drug involved equals or exceeds 704
five hundred unit doses but is less than one thousand unit doses 705
of heroin or of the compound, mixture, preparation, or substance 706
containing the detectable amount of heroin or equals or exceeds 707
fifty grams but is less than one hundred grams of heroin or of 708
the compound, mixture, preparation, or substance containing the 709

detectable amount of heroin and regardless of whether the 710
offense was committed in the vicinity of a school or in the 711
vicinity of a juvenile, trafficking in heroin is a felony of the 712
first degree, and the court shall impose as a mandatory prison 713
term one of the prison terms prescribed for a felony of the 714
first degree. 715

(g) If the amount of the drug involved equals or exceeds 716
one thousand unit doses of heroin or of the compound, mixture, 717
preparation, or substance containing the detectable amount of 718
heroin or equals or exceeds one hundred grams of heroin or of 719
the compound, mixture, preparation, or substance containing the 720
detectable amount of heroin and regardless of whether the 721
offense was committed in the vicinity of a school or in the 722
vicinity of a juvenile, trafficking in heroin is a felony of the 723
first degree, the offender is a major drug offender, and the 724
court shall impose as a mandatory prison term the maximum prison 725
term prescribed for a felony of the first degree. 726

(7) If the drug involved in the violation is hashish or a 727
compound, mixture, preparation, or substance containing a 728
detectable amount of hashish, whoever violates division (A) of 729
this section is guilty of trafficking in hashish. The penalty 730
for the offense shall be determined as follows: 731

(a) Except as otherwise provided in division (C) (7) (b), 732
(c), (d), (e), (f), or (g) of this section, trafficking in 733
hashish is a felony of the fifth degree, and division (B) of 734
section 2929.13 of the Revised Code applies in determining 735
whether to impose a prison term on the offender. 736

(b) Except as otherwise provided in division (C) (7) (c), 737
(d), (e), (f), or (g) of this section, if the offense was 738
committed in the vicinity of a school or in the vicinity of a 739

juvenile, trafficking in hashish is a felony of the fourth 740
degree, and division (B) of section 2929.13 of the Revised Code 741
applies in determining whether to impose a prison term on the 742
offender. 743

(c) Except as otherwise provided in this division, if the 744
amount of the drug involved equals or exceeds ten grams but is 745
less than fifty grams of hashish or of the compound, mixture, 746
preparation, or substance containing the detectable amount of 747
hashish in a solid form or equals or exceeds two grams but is 748
less than ten grams of hashish or of the compound, mixture, 749
preparation, or substance containing the detectable amount of 750
hashish in a liquid concentrate, liquid extract, or liquid 751
distillate form, trafficking in hashish is a felony of the 752
fourth degree, and division (B) of section 2929.13 of the 753
Revised Code applies in determining whether to impose a prison 754
term on the offender. If the amount of the drug involved is 755
within that range and if the offense was committed in the 756
vicinity of a school or in the vicinity of a juvenile, 757
trafficking in hashish is a felony of the third degree, and 758
division (C) of section 2929.13 of the Revised Code applies in 759
determining whether to impose a prison term on the offender. 760

(d) Except as otherwise provided in this division, if the 761
amount of the drug involved equals or exceeds fifty grams but is 762
less than two hundred fifty grams of hashish or of the compound, 763
mixture, preparation, or substance containing the detectable 764
amount of hashish in a solid form or equals or exceeds ten grams 765
but is less than fifty grams of hashish or of the compound, 766
mixture, preparation, or substance containing the detectable 767
amount of hashish in a liquid concentrate, liquid extract, or 768
liquid distillate form, trafficking in hashish is a felony of 769
the third degree, and division (C) of section 2929.13 of the 770

Revised Code applies in determining whether to impose a prison 771
term on the offender. If the amount of the drug involved is 772
within that range and if the offense was committed in the 773
vicinity of a school or in the vicinity of a juvenile, 774
trafficking in hashish is a felony of the second degree, and 775
there is a presumption that a prison term shall be imposed for 776
the offense. 777

(e) Except as otherwise provided in this division, if the 778
amount of the drug involved equals or exceeds two hundred fifty 779
grams but is less than one thousand grams of hashish or of the 780
compound, mixture, preparation, or substance containing the 781
detectable amount of hashish in a solid form or equals or 782
exceeds fifty grams but is less than two hundred grams of 783
hashish or of the compound, mixture, preparation, or substance 784
containing the detectable amount of hashish in a liquid 785
concentrate, liquid extract, or liquid distillate form, 786
trafficking in hashish is a felony of the third degree, and 787
there is a presumption that a prison term shall be imposed for 788
the offense. If the amount of the drug involved is within that 789
range and if the offense was committed in the vicinity of a 790
school or in the vicinity of a juvenile, trafficking in hashish 791
is a felony of the second degree, and there is a presumption 792
that a prison term shall be imposed for the offense. 793

(f) Except as otherwise provided in this division, if the 794
amount of the drug involved equals or exceeds one thousand grams 795
but is less than two thousand grams of hashish or of the 796
compound, mixture, preparation, or substance containing the 797
detectable amount of hashish in a solid form or equals or 798
exceeds two hundred grams but is less than four hundred grams of 799
hashish or of the compound, mixture, preparation, or substance 800
containing the detectable amount of hashish in a liquid 801

concentrate, liquid extract, or liquid distillate form, 802
trafficking in hashish is a felony of the second degree, and the 803
court shall impose a mandatory prison term of five, six, seven, 804
or eight years. If the amount of the drug involved is within 805
that range and if the offense was committed in the vicinity of a 806
school or in the vicinity of a juvenile, trafficking in hashish 807
is a felony of the first degree, and the court shall impose as a 808
mandatory prison term the maximum prison term prescribed for a 809
felony of the first degree. 810

(g) Except as otherwise provided in this division, if the 811
amount of the drug involved equals or exceeds two thousand grams 812
of hashish or of the compound, mixture, preparation, or 813
substance containing the detectable amount of hashish in a solid 814
form or equals or exceeds four hundred grams of hashish or of 815
the compound, mixture, preparation, or substance containing the 816
detectable amount of hashish in a liquid concentrate, liquid 817
extract, or liquid distillate form, trafficking in hashish is a 818
felony of the second degree, and the court shall impose as a 819
mandatory prison term the maximum prison term prescribed for a 820
felony of the second degree. If the amount of the drug involved 821
equals or exceeds two thousand grams of hashish or of the 822
compound, mixture, preparation, or substance containing the 823
detectable amount of hashish in a solid form or equals or 824
exceeds four hundred grams of hashish or of the compound, 825
mixture, preparation, or substance containing the detectable 826
amount of hashish in a liquid concentrate, liquid extract, or 827
liquid distillate form and if the offense was committed in the 828
vicinity of a school or in the vicinity of a juvenile, 829
trafficking in hashish is a felony of the first degree, and the 830
court shall impose as a mandatory prison term the maximum prison 831
term prescribed for a felony of the first degree. 832

(8) If the drug involved in the violation is a controlled substance analog or a compound, mixture, preparation, or substance that contains a detectable amount of a controlled substance analog, whoever violates division (A) of this section is guilty of trafficking in a controlled substance analog. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), (f), or (g) of this section, trafficking in a controlled substance analog 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) (8) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog 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 twenty grams of the controlled substance analog or of the compound, mixture, preparation, or substance containing the detectable amount of the controlled substance analog, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose 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 a controlled substance analog is a felony of the

third degree, and there is a presumption for a prison term for 863
the offense. 864

(d) Except as otherwise provided in this division, if the 865
amount of the drug involved equals or exceeds twenty grams but 866
is less than thirty grams of the controlled substance analog or 867
of the compound, mixture, preparation, or substance containing 868
the detectable amount of the controlled substance analog, 869
trafficking in a controlled substance analog is a felony of the 870
third degree, and there is a presumption for a prison term for 871
the offense. If the amount of the drug involved is within that 872
range and if the offense was committed in the vicinity of a 873
school or in the vicinity of a juvenile, trafficking in a 874
controlled substance analog is a felony of the second degree, 875
and there is a presumption for a prison term for the offense. 876

(e) Except as otherwise provided in this division, if the 877
amount of the drug involved equals or exceeds thirty grams but 878
is less than forty grams of the controlled substance analog or 879
of the compound, mixture, preparation, or substance containing 880
the detectable amount of the controlled substance analog, 881
trafficking in a controlled substance analog is a felony of the 882
second degree, and the court shall impose as a mandatory prison 883
term one of the prison terms prescribed for a felony of the 884
second degree. If the amount of the drug involved is within that 885
range and if the offense was committed in the vicinity of a 886
school or in the vicinity of a juvenile, trafficking in a 887
controlled substance analog is a felony of the first degree, and 888
the court shall impose as a mandatory prison term one of the 889
prison terms prescribed for a felony of the first degree. 890

(f) If the amount of the drug involved equals or exceeds 891
forty grams but is less than fifty grams of the controlled 892

substance analog or of the compound, mixture, preparation, or 893
substance containing the detectable amount of the controlled 894
substance analog and regardless of whether the offense was 895
committed in the vicinity of a school or in the vicinity of a 896
juvenile, trafficking in a controlled substance analog is a 897
felony of the first degree, and the court shall impose as a 898
mandatory prison term one of the prison terms prescribed for a 899
felony of the first degree. 900

(g) If the amount of the drug involved equals or exceeds 901
fifty grams of the controlled substance analog or of the 902
compound, mixture, preparation, or substance containing the 903
detectable amount of the controlled substance analog and 904
regardless of whether the offense was committed in the vicinity 905
of a school or in the vicinity of a juvenile, trafficking in a 906
controlled substance analog is a felony of the first degree, the 907
offender is a major drug offender, and the court shall impose as 908
a mandatory prison term the maximum prison term prescribed for a 909
felony of the first degree. 910

(D) In addition to any prison term authorized or required 911
by division (C) of this section and sections 2929.13 and 2929.14 912
of the Revised Code, and in addition to any other sanction 913
imposed for the offense under this section or sections 2929.11 914
to 2929.18 of the Revised Code, the court that sentences an 915
offender who is convicted of or pleads guilty to a violation of 916
division (A) of this section may suspend the driver's or 917
commercial driver's license or permit of the offender in 918
accordance with division (G) of this section. However, if the 919
offender pleaded guilty to or was convicted of a violation of 920
section 4511.19 of the Revised Code or a substantially similar 921
municipal ordinance or the law of another state or the United 922
States arising out of the same set of circumstances as the 923

violation, the court shall suspend the offender's driver's or 924
commercial driver's license or permit in accordance with 925
division (G) of this section. If applicable, the court also 926
shall do the following: 927

(1) If the violation of division (A) of this section is a 928
felony of the first, second, or third degree, the court shall 929
impose upon the offender the mandatory fine specified for the 930
offense under division (B) (1) of section 2929.18 of the Revised 931
Code unless, as specified in that division, the court determines 932
that the offender is indigent. Except as otherwise provided in 933
division (H) (1) of this section, a mandatory fine or any other 934
fine imposed for a violation of this section is subject to 935
division (F) of this section. If a person is charged with a 936
violation of this section that is a felony of the first, second, 937
or third degree, posts bail, and forfeits the bail, the clerk of 938
the court shall pay the forfeited bail pursuant to divisions (D) 939
(1) and (F) of this section, as if the forfeited bail was a fine 940
imposed for a violation of this section. If any amount of the 941
forfeited bail remains after that payment and if a fine is 942
imposed under division (H) (1) of this section, the clerk of the 943
court shall pay the remaining amount of the forfeited bail 944
pursuant to divisions (H) (2) and (3) of this section, as if that 945
remaining amount was a fine imposed under division (H) (1) of 946
this section. 947

(2) If the offender is a professionally licensed person, 948
the court immediately shall comply with section 2925.38 of the 949
Revised Code. 950

(E) When a person is charged with the sale of or offer to 951
sell a bulk amount or a multiple of a bulk amount of a 952
controlled substance, the jury, or the court trying the accused, 953

shall determine the amount of the controlled substance involved 954
at the time of the offense and, if a guilty verdict is returned, 955
shall return the findings as part of the verdict. In any such 956
case, it is unnecessary to find and return the exact amount of 957
the controlled substance involved, and it is sufficient if the 958
finding and return is to the effect that the amount of the 959
controlled substance involved is the requisite amount, or that 960
the amount of the controlled substance involved is less than the 961
requisite amount. 962

(F) (1) Notwithstanding any contrary provision of section 963
3719.21 of the Revised Code and except as provided in division 964
(H) of this section, the clerk of the court shall pay any 965
mandatory fine imposed pursuant to division (D) (1) of this 966
section and any fine other than a mandatory fine that is imposed 967
for a violation of this section pursuant to division (A) or (B) 968
(5) of section 2929.18 of the Revised Code to the county, 969
township, municipal corporation, park district, as created 970
pursuant to section 511.18 or 1545.04 of the Revised Code, or 971
state law enforcement agencies in this state that primarily were 972
responsible for or involved in making the arrest of, and in 973
prosecuting, the offender. However, the clerk shall not pay a 974
mandatory fine so imposed to a law enforcement agency unless the 975
agency has adopted a written internal control policy under 976
division (F) (2) of this section that addresses the use of the 977
fine moneys that it receives. Each agency shall use the 978
mandatory fines so paid to subsidize the agency's law 979
enforcement efforts that pertain to drug offenses, in accordance 980
with the written internal control policy adopted by the 981
recipient agency under division (F) (2) of this section. 982

(2) Prior to receiving any fine moneys under division (F) 983
(1) of this section or division (B) of section 2925.42 of the 984

Revised Code, a law enforcement agency shall adopt a written 985
internal control policy that addresses the agency's use and 986
disposition of all fine moneys so received and that provides for 987
the keeping of detailed financial records of the receipts of 988
those fine moneys, the general types of expenditures made out of 989
those fine moneys, and the specific amount of each general type 990
of expenditure. The policy shall not provide for or permit the 991
identification of any specific expenditure that is made in an 992
ongoing investigation. All financial records of the receipts of 993
those fine moneys, the general types of expenditures made out of 994
those fine moneys, and the specific amount of each general type 995
of expenditure by an agency are public records open for 996
inspection under section 149.43 of the Revised Code. 997
Additionally, a written internal control policy adopted under 998
this division is such a public record, and the agency that 999
adopted it shall comply with it. 1000

(3) As used in division (F) of this section: 1001

(a) "Law enforcement agencies" includes, but is not 1002
limited to, the state board of pharmacy and the office of a 1003
prosecutor. 1004

(b) "Prosecutor" has the same meaning as in section 1005
2935.01 of the Revised Code. 1006

(G) (1) If the sentencing court suspends the offender's 1007
driver's or commercial driver's license or permit under division 1008
(D) of this section or any other provision of this chapter, the 1009
court shall suspend the license, by order, for not more than 1010
five years. If an offender's driver's or commercial driver's 1011
license or permit is suspended pursuant to this division, the 1012
offender, at any time after the expiration of two years from the 1013
day on which the offender's sentence was imposed or from the day 1014

on which the offender finally was released from a prison term 1015
under the sentence, whichever is later, may file a motion with 1016
the sentencing court requesting termination of the suspension; 1017
upon the filing of such a motion and the court's finding of good 1018
cause for the termination, the court may terminate the 1019
suspension. 1020

(2) Any offender who received a mandatory suspension of 1021
the offender's driver's or commercial driver's license or permit 1022
under this section prior to ~~the effective date of this amendment~~ 1023
September 13, 2016, may file a motion with the sentencing court 1024
requesting the termination of the suspension. However, an 1025
offender who pleaded guilty to or was convicted of a violation 1026
of section 4511.19 of the Revised Code or a substantially 1027
similar municipal ordinance or law of another state or the 1028
United States that arose out of the same set of circumstances as 1029
the violation for which the offender's license or permit was 1030
suspended under this section shall not file such a motion. 1031

Upon the filing of a motion under division (G) (2) of this 1032
section, the sentencing court, in its discretion, may terminate 1033
the suspension. 1034

(H) (1) In addition to any prison term authorized or 1035
required by division (C) of this section and sections 2929.13 1036
and 2929.14 of the Revised Code, in addition to any other 1037
penalty or sanction imposed for the offense under this section 1038
or sections 2929.11 to 2929.18 of the Revised Code, and in 1039
addition to the forfeiture of property in connection with the 1040
offense as prescribed in Chapter 2981. of the Revised Code, the 1041
court that sentences an offender who is convicted of or pleads 1042
guilty to a violation of division (A) of this section may impose 1043
upon the offender an additional fine specified for the offense 1044

in division (B) (4) of section 2929.18 of the Revised Code. A 1045
fine imposed under division (H) (1) of this section is not 1046
subject to division (F) of this section and shall be used solely 1047
for the support of one or more eligible community addiction 1048
services providers in accordance with divisions (H) (2) and (3) 1049
of this section. 1050

(2) The court that imposes a fine under division (H) (1) of 1051
this section shall specify in the judgment that imposes the fine 1052
one or more eligible community addiction services providers for 1053
the support of which the fine money is to be used. No community 1054
addiction services provider shall receive or use money paid or 1055
collected in satisfaction of a fine imposed under division (H) 1056
(1) of this section unless the services provider is specified in 1057
the judgment that imposes the fine. No community addiction 1058
services provider shall be specified in the judgment unless the 1059
services provider is an eligible community addiction services 1060
provider and, except as otherwise provided in division (H) (2) of 1061
this section, unless the services provider is located in the 1062
county in which the court that imposes the fine is located or in 1063
a county that is immediately contiguous to the county in which 1064
that court is located. If no eligible community addiction 1065
services provider is located in any of those counties, the 1066
judgment may specify an eligible community addiction services 1067
provider that is located anywhere within this state. 1068

(3) Notwithstanding any contrary provision of section 1069
3719.21 of the Revised Code, the clerk of the court shall pay 1070
any fine imposed under division (H) (1) of this section to the 1071
eligible community addiction services provider specified 1072
pursuant to division (H) (2) of this section in the judgment. The 1073
eligible community addiction services provider that receives the 1074
fine moneys shall use the moneys only for the alcohol and drug 1075

addiction services identified in the application for 1076
certification of services under section 5119.36 of the Revised 1077
Code or in the application for a license under section 5119.391 1078
of the Revised Code filed with the department of mental health 1079
and addiction services by the community addiction services 1080
provider specified in the judgment. 1081

(4) Each community addiction services provider that 1082
receives in a calendar year any fine moneys under division (H) 1083
(3) of this section shall file an annual report covering that 1084
calendar year with the court of common pleas and the board of 1085
county commissioners of the county in which the services 1086
provider is located, with the court of common pleas and the 1087
board of county commissioners of each county from which the 1088
services provider received the moneys if that county is 1089
different from the county in which the services provider is 1090
located, and with the attorney general. The community addiction 1091
services provider shall file the report no later than the first 1092
day of March in the calendar year following the calendar year in 1093
which the services provider received the fine moneys. The report 1094
shall include statistics on the number of persons served by the 1095
community addiction services provider, identify the types of 1096
alcohol and drug addiction services provided to those persons, 1097
and include a specific accounting of the purposes for which the 1098
fine moneys received were used. No information contained in the 1099
report shall identify, or enable a person to determine the 1100
identity of, any person served by the community addiction 1101
services provider. Each report received by a court of common 1102
pleas, a board of county commissioners, or the attorney general 1103
is a public record open for inspection under section 149.43 of 1104
the Revised Code. 1105

(5) As used in divisions (H) (1) to (5) of this section: 1106

(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Eligible community addiction services provider" means a community addiction services provider, as defined in section 5119.01 of the Revised Code, or a community addiction services provider that maintains a methadone treatment program licensed under section 5119.391 of the Revised Code.

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

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH) (2) (a), (b), or (c) of section 3719.01 of the Revised Code.

Sec. 2925.04. (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.

(B) This section does not apply to any person listed in 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) Whoever commits a violation of division (A) of this section that involves any drug other than marihuana or any compound, mixture, preparation, or substance containing a detectable amount of marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of

this section that involves marihuana or any compound, mixture, 1136
preparation, or substance containing a detectable amount of 1137
marihuana is guilty of illegal cultivation of marihuana. 1138

(2) Except as otherwise provided in this division, if the 1139
drug involved in the violation of division (A) of this section 1140
is any compound, mixture, preparation, or substance included in 1141
schedule I or II, with the exception of methamphetamine or 1142
marihuana and any compound, mixture, preparation, or substance 1143
containing a detectable amount of methamphetamine or marihuana, 1144
illegal manufacture of drugs is a felony of the second degree, 1145
and, subject to division (E) of this section, the court shall 1146
impose as a mandatory prison term one of the prison terms 1147
prescribed for a felony of the second degree. 1148

If the drug involved in the violation is any compound, 1149
mixture, preparation, or substance included in schedule I or II, 1150
with the exception of methamphetamine or marihuana and any 1151
compound, mixture, preparation, or substance containing a 1152
detectable amount of methamphetamine or marihuana, and if the 1153
offense was committed in the vicinity of a juvenile or in the 1154
vicinity of a school, illegal manufacture of drugs is a felony 1155
of the first degree, and, subject to division (E) of this 1156
section, the court shall impose as a mandatory prison term one 1157
of the prison terms prescribed for a felony of the first degree. 1158

(3) If the drug involved in the violation of division (A) 1159
of this section is methamphetamine or any compound, mixture, 1160
preparation, or substance containing a detectable amount of 1161
methamphetamine, the penalty for the violation shall be 1162
determined as follows: 1163

(a) Except as otherwise provided in division (C) (3) (b) of 1164
this section, ~~if the drug involved in the violation is~~ 1165

~~methamphetamine~~, illegal manufacture of drugs committed in those 1166
circumstances is a felony of the second degree, and, subject to 1167
division (E) of this section, the court shall impose a mandatory 1168
prison term on the offender determined in accordance with this 1169
division. Except as otherwise provided in this division, the 1170
court shall impose as a mandatory prison term one of the prison 1171
terms prescribed for a felony of the second degree that is not 1172
less than three years. If the offender previously has been 1173
convicted of or pleaded guilty to a violation of division (A) of 1174
this section, a violation of division (B) (6) of section 2919.22 1175
of the Revised Code, or a violation of division (A) of section 1176
2925.041 of the Revised Code, the court shall impose as a 1177
mandatory prison term one of the prison terms prescribed for a 1178
felony of the second degree that is not less than five years. 1179

(b) If the ~~drug involved in the violation is~~ 1180
~~methamphetamine~~ and if the offense was committed in the vicinity 1181
of a juvenile, in the vicinity of a school, or on public 1182
premises, illegal manufacture of drugs committed in those 1183
circumstances is a felony of the first degree, and, subject to 1184
division (E) of this section, the court shall impose a mandatory 1185
prison term on the offender determined in accordance with this 1186
division. Except as otherwise provided in this division, the 1187
court shall impose as a mandatory prison term one of the prison 1188
terms prescribed for a felony of the first degree that is not 1189
less than four years. If the offender previously has been 1190
convicted of or pleaded guilty to a violation of division (A) of 1191
this section, a violation of division (B) (6) of section 2919.22 1192
of the Revised Code, or a violation of division (A) of section 1193
2925.041 of the Revised Code, the court shall impose as a 1194
mandatory prison term one of the prison terms prescribed for a 1195
felony of the first degree that is not less than five years. 1196

(4) If the drug involved in the violation of division (A) 1197
of this section is any compound, mixture, preparation, or 1198
substance included in schedule III, IV, or V, illegal 1199
manufacture of drugs is a felony of the third degree or, if the 1200
offense was committed in the vicinity of a school or in the 1201
vicinity of a juvenile, a felony of the second degree, and there 1202
is a presumption for a prison term for the offense. 1203

(5) If the drug involved in the violation is marihuana or 1204
any compound, mixture, preparation, or substance containing a 1205
detectable amount of marihuana, the penalty for the offense 1206
shall be determined as follows: 1207

(a) Except as otherwise provided in division (C) (5) (b), 1208
(c), (d), (e), or (f) of this section, illegal cultivation of 1209
marihuana is a minor misdemeanor or, if the offense was 1210
committed in the vicinity of a school or in the vicinity of a 1211
juvenile, a misdemeanor of the fourth degree. 1212

(b) If the amount of the marihuana or the compound, 1213
mixture, preparation, or substance containing the detectable 1214
amount of marihuana involved equals or exceeds one hundred grams 1215
but is less than two hundred grams, illegal cultivation of 1216
marihuana is a misdemeanor of the fourth degree or, if the 1217
offense was committed in the vicinity of a school or in the 1218
vicinity of a juvenile, a misdemeanor of the third degree. 1219

(c) If the amount of the marihuana or the compound, 1220
mixture, preparation, or substance containing the detectable 1221
amount of marihuana involved equals or exceeds two hundred grams 1222
but is less than one thousand grams, illegal cultivation of 1223
marihuana is a felony of the fifth degree or, if the offense was 1224
committed in the vicinity of a school or in the vicinity of a 1225
juvenile, a felony of the fourth degree, and division (B) of 1226

section 2929.13 of the Revised Code applies in determining 1227
whether to impose a prison term on the offender. 1228

(d) If the amount of the marihuana or the compound, 1229
mixture, preparation, or substance containing the detectable 1230
amount of marihuana involved equals or exceeds one thousand 1231
grams but is less than five thousand grams, illegal cultivation 1232
of marihuana is a felony of the third degree or, if the offense 1233
was committed in the vicinity of a school or in the vicinity of 1234
a juvenile, a felony of the second degree, and division (C) of 1235
section 2929.13 of the Revised Code applies in determining 1236
whether to impose a prison term on the offender. 1237

(e) If the amount of the marihuana or the compound, 1238
mixture, preparation, or substance containing the detectable 1239
amount of marihuana involved equals or exceeds five thousand 1240
grams but is less than twenty thousand grams, illegal 1241
cultivation of marihuana is a felony of the third degree or, if 1242
the offense was committed in the vicinity of a school or in the 1243
vicinity of a juvenile, a felony of the second degree, and there 1244
is a presumption for a prison term for the offense. 1245

(f) Except as otherwise provided in this division, if the 1246
amount of the marihuana or the compound, mixture, preparation, 1247
or substance containing the detectable amount of marihuana 1248
involved equals or exceeds twenty thousand grams, illegal 1249
cultivation of marihuana is a felony of the second degree, and 1250
the court shall impose as a mandatory prison term the maximum 1251
prison term prescribed for a felony of the second degree. If the 1252
amount of the ~~drug~~ marihuana or the compound, mixture, 1253
preparation, or substance containing the detectable amount of 1254
marihuana involved equals or exceeds twenty thousand grams and 1255
if the offense was committed in the vicinity of a school or in 1256

the vicinity of a juvenile, illegal cultivation of marihuana is 1257
a felony of the first degree, and the court shall impose as a 1258
mandatory prison term the maximum prison term prescribed for a 1259
felony of the first degree. 1260

(D) In addition to any prison term authorized or required 1261
by division (C) or (E) of this section and sections 2929.13 and 1262
2929.14 of the Revised Code and in addition to any other 1263
sanction imposed for the offense under this section or sections 1264
2929.11 to 2929.18 of the Revised Code, the court that sentences 1265
an offender who is convicted of or pleads guilty to a violation 1266
of division (A) of this section may suspend the offender's 1267
driver's or commercial driver's license or permit in accordance 1268
with division (G) of section 2925.03 of the Revised Code. 1269
However, if the offender pleaded guilty to or was convicted of a 1270
violation of section 4511.19 of the Revised Code or a 1271
substantially similar municipal ordinance or the law of another 1272
state or the United States arising out of the same set of 1273
circumstances as the violation, the court shall suspend the 1274
offender's driver's or commercial driver's license or permit in 1275
accordance with division (G) of section 2925.03 of the Revised 1276
Code. If applicable, the court also shall do the following: 1277

(1) If the violation of division (A) of this section is a 1278
felony of the first, second, or third degree, the court shall 1279
impose upon the offender the mandatory fine specified for the 1280
offense under division (B)(1) of section 2929.18 of the Revised 1281
Code unless, as specified in that division, the court determines 1282
that the offender is indigent. The clerk of the court shall pay 1283
a mandatory fine or other fine imposed for a violation of this 1284
section pursuant to division (A) of section 2929.18 of the 1285
Revised Code in accordance with and subject to the requirements 1286
of division (F) of section 2925.03 of the Revised Code. The 1287

agency that receives the fine shall use the fine as specified in 1288
division (F) of section 2925.03 of the Revised Code. If a person 1289
is charged with a violation of this section that is a felony of 1290
the first, second, or third degree, posts bail, and forfeits the 1291
bail, the clerk shall pay the forfeited bail as if the forfeited 1292
bail were a fine imposed for a violation of this section. 1293

(2) If the offender is a professionally licensed person, 1294
the court immediately shall comply with section 2925.38 of the 1295
Revised Code. 1296

(E) Notwithstanding the prison term otherwise authorized 1297
or required for the offense under division (C) of this section 1298
and sections 2929.13 and 2929.14 of the Revised Code, if the 1299
violation of division (A) of this section involves the sale, 1300
offer to sell, or possession of a schedule I or II controlled 1301
substance, with the exception of marihuana and any compound, 1302
mixture, preparation, or substance containing a detectable 1303
amount of marihuana, and if the court imposing sentence upon the 1304
offender finds that the offender as a result of the violation is 1305
a major drug offender and is guilty of a specification of the 1306
type described in section 2941.1410 of the Revised Code, the 1307
court, in lieu of the prison term otherwise authorized or 1308
required, shall impose upon the offender the mandatory prison 1309
term specified in division (B) (3) of section 2929.14 of the 1310
Revised Code. 1311

(F) It is an affirmative defense, as provided in section 1312
2901.05 of the Revised Code, to a charge under this section for 1313
a fifth degree felony violation of illegal cultivation of 1314
marihuana that the marihuana or the compound, mixture, 1315
preparation, or substance containing the detectable amount of 1316
marihuana that gave rise to the charge is in an amount, is in a 1317

form, is prepared, compounded, or mixed with substances that are 1318
not controlled substances in a manner, or is possessed or 1319
cultivated under any other circumstances that indicate that the 1320
marihuana was solely for personal use. 1321

Notwithstanding any contrary provision of division (F) of 1322
this section, if, in accordance with section 2901.05 of the 1323
Revised Code, a person who is charged with a violation of 1324
illegal cultivation of marihuana that is a felony of the fifth 1325
degree sustains the burden of going forward with evidence of and 1326
establishes by a preponderance of the evidence the affirmative 1327
defense described in this division, the person may be prosecuted 1328
for and may be convicted of or plead guilty to a misdemeanor 1329
violation of illegal cultivation of marihuana. 1330

(G) Arrest or conviction for a minor misdemeanor violation 1331
of this section does not constitute a criminal record and need 1332
not be reported by the person so arrested or convicted in 1333
response to any inquiries about the person's criminal record, 1334
including any inquiries contained in an application for 1335
employment, a license, or any other right or privilege or made 1336
in connection with the person's appearance as a witness. 1337

(H) (1) If the sentencing court suspends the offender's 1338
driver's or commercial driver's license or permit under this 1339
section in accordance with division (G) of section 2925.03 of 1340
the Revised Code, the offender may request termination of, and 1341
the court may terminate, the suspension of the offender in 1342
accordance with that division. 1343

(2) Any offender who received a mandatory suspension of 1344
the offender's driver's or commercial driver's license or permit 1345
under this section prior to ~~the effective date of this amendment~~ 1346
September 13, 2016, may file a motion with the sentencing court 1347

requesting the termination of the suspension. However, an 1348
offender who pleaded guilty to or was convicted of a violation 1349
of section 4511.19 of the Revised Code or a substantially 1350
similar municipal ordinance or law of another state or the 1351
United States that arose out of the same set of circumstances as 1352
the violation for which the offender's license or permit was 1353
suspended under this section shall not file such a motion. 1354

Upon the filing of a motion under division (H) (2) of this 1355
section, the sentencing court, in its discretion, may terminate 1356
the suspension. 1357

Sec. 2925.05. (A) No person shall knowingly provide money 1358
or other items of value to another person with the purpose that 1359
the recipient of the money or items of value use them to obtain 1360
any controlled substance for the purpose of violating section 1361
2925.04 of the Revised Code or for the purpose of selling or 1362
offering to sell the controlled substance in the following 1363
amount: 1364

(1) If the drug to be sold or offered for sale is any 1365
compound, mixture, preparation, or substance included in 1366
schedule I or II, with the exception of marihuana, cocaine, 1367
L.S.D., heroin, and hashish and any compound, mixture, 1368
preparation, or substance containing a detectable amount of any 1369
such drug, or schedule III, IV, or V, an amount of the drug that 1370
equals or exceeds the bulk amount of the drug; 1371

(2) If the drug to be sold or offered for sale is 1372
marihuana or a compound, mixture, preparation, or substance 1373
other than hashish containing a detectable amount of marihuana, 1374
an amount of the marihuana or the compound, mixture, 1375
preparation, or substance that equals or exceeds two hundred 1376
grams; 1377

(3) If the drug to be sold or offered for sale is cocaine 1378
or a compound, mixture, preparation, or substance containing a 1379
detectable amount of cocaine, an amount of the cocaine or the 1380
compound, mixture, preparation, or substance that equals or 1381
exceeds five grams; 1382

(4) If the drug to be sold or offered for sale is L.S.D. 1383
or a compound, mixture, preparation, or substance containing a 1384
detectable amount of L.S.D., an amount of the L.S.D. or the 1385
compound, mixture, preparation, or substance that equals or 1386
exceeds ten unit doses if the L.S.D. or the compound, mixture, 1387
preparation, or substance is in a solid form or equals or 1388
exceeds one gram if the L.S.D. or the compound, mixture, 1389
preparation, or substance is in a liquid concentrate, liquid 1390
extract, or liquid distillate form; 1391

(5) If the drug to be sold or offered for sale is heroin 1392
or a compound, mixture, preparation, or substance containing a 1393
detectable amount of heroin, an amount of the heroin or the 1394
compound, mixture, preparation, or substance that equals or 1395
exceeds ten unit doses or equals or exceeds one gram; 1396

(6) If the drug to be sold or offered for sale is hashish 1397
or a compound, mixture, preparation, or substance containing a 1398
detectable amount of hashish, an amount of the hashish or the 1399
compound, mixture, preparation, or substance that equals or 1400
exceeds ten grams if the hashish or the compound, mixture, 1401
preparation, or substance is in a solid form or equals or 1402
exceeds two grams if the hashish or the compound, mixture, 1403
preparation, or substance is in a liquid concentrate, liquid 1404
extract, or liquid distillate form. 1405

(B) This section does not apply to any person listed in 1406
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1407

Code to the extent and under the circumstances described in 1408
those divisions. 1409

(C) (1) If the drug involved in the violation is any 1410
compound, mixture, preparation, or substance included in 1411
schedule I or II, with the exception of marihuana or a compound, 1412
mixture, preparation, or substance containing a detectable 1413
amount of marihuana, whoever violates division (A) of this 1414
section is guilty of aggravated funding of drug trafficking, a 1415
felony of the first degree, and, subject to division (E) of this 1416
section, the court shall impose as a mandatory prison term one 1417
of the prison terms prescribed for a felony of the first degree. 1418

(2) If the drug involved in the violation is any compound, 1419
mixture, preparation, or substance included in schedule III, IV, 1420
or V, whoever violates division (A) of this section is guilty of 1421
funding of drug trafficking, a felony of the second degree, and 1422
the court shall impose as a mandatory prison term one of the 1423
prison terms prescribed for a felony of the second degree. 1424

(3) If the drug involved in the violation is marihuana or 1425
a compound, mixture, preparation, or substance containing a 1426
detectable amount of marihuana, whoever violates division (A) of 1427
this section is guilty of funding of marihuana trafficking, a 1428
felony of the third degree, and, except as otherwise provided in 1429
this division, there is a presumption for a prison term for the 1430
offense. If funding of marihuana trafficking is a felony of the 1431
third degree under this division and if the offender two or more 1432
times previously has been convicted of or pleaded guilty to a 1433
felony drug abuse offense, the court shall impose as a mandatory 1434
prison term one of the prison terms prescribed for a felony of 1435
the third degree. 1436

(D) In addition to any prison term authorized or required 1437

by division (C) or (E) of this section and sections 2929.13 and 1438
2929.14 of the Revised Code and in addition to any other 1439
sanction imposed for the offense under this section or sections 1440
2929.11 to 2929.18 of the Revised Code, the court that sentences 1441
an offender who is convicted of or pleads guilty to a violation 1442
of division (A) of this section may suspend the offender's 1443
driver's or commercial driver's license or permit in accordance 1444
with division (G) of section 2925.03 of the Revised Code. 1445
However, if the offender pleaded guilty to or was convicted of a 1446
violation of section 4511.19 of the Revised Code or a 1447
substantially similar municipal ordinance or the law of another 1448
state or the United States arising out of the same set of 1449
circumstances as the violation, the court shall suspend the 1450
offender's driver's or commercial driver's license or permit in 1451
accordance with division (G) of section 2925.03 of the Revised 1452
Code. If applicable, the court also shall do the following: 1453

(1) The court shall impose the mandatory fine specified 1454
for the offense under division (B) (1) of section 2929.18 of the 1455
Revised Code unless, as specified in that division, the court 1456
determines that the offender is indigent. The clerk of the court 1457
shall pay a mandatory fine or other fine imposed for a violation 1458
of this section pursuant to division (A) of section 2929.18 of 1459
the Revised Code in accordance with and subject to the 1460
requirements of division (F) of section 2925.03 of the Revised 1461
Code. The agency that receives the fine shall use the fine in 1462
accordance with division (F) of section 2925.03 of the Revised 1463
Code. If a person is charged with a violation of this section, 1464
posts bail, and forfeits the bail, the forfeited bail shall be 1465
paid as if the forfeited bail were a fine imposed for a 1466
violation of this section. 1467

(2) If the offender is a professionally licensed person, 1468

the court immediately shall comply with section 2925.38 of the Revised Code. 1469
1470

(E) Notwithstanding the prison term otherwise authorized 1471
or required for the offense under division (C) of this section 1472
and sections 2929.13 and 2929.14 of the Revised Code, if the 1473
violation of division (A) of this section involves the sale, 1474
offer to sell, or possession of a schedule I or II controlled 1475
substance, with the exception of marihuana and any compound, 1476
mixture, preparation, or substance containing a detectable 1477
amount of marihuana, and if the court imposing sentence upon the 1478
offender finds that the offender as a result of the violation is 1479
a major drug offender and is guilty of a specification of the 1480
type described in section 2941.1410 of the Revised Code, the 1481
court, in lieu of the prison term otherwise authorized or 1482
required, shall impose upon the offender the mandatory prison 1483
term specified in division (B) (3) of section 2929.14 of the 1484
Revised Code. 1485

(F) (1) If the sentencing court suspends the offender's 1486
driver's or commercial driver's license or permit under this 1487
section in accordance with division (G) of section 2925.03 of 1488
the Revised Code, the offender may request termination of, and 1489
the court may terminate, the suspension in accordance with that 1490
division. 1491

(2) Any offender who received a mandatory suspension of 1492
the offender's driver's or commercial driver's license or permit 1493
under this section prior to ~~the effective date of this amendment~~ 1494
September 13, 2016, may file a motion with the sentencing court 1495
requesting the termination of the suspension. However, an 1496
offender who pleaded guilty to or was convicted of a violation 1497
of section 4511.19 of the Revised Code or a substantially 1498

similar municipal ordinance or law of another state or the 1499
United States that arose out of the same set of circumstances as 1500
the violation for which the offender's license or permit was 1501
suspended under this section shall not file such a motion. 1502

Upon the filing of a motion under division (F)(2) of this 1503
section, the sentencing court, in its discretion, may terminate 1504
the suspension. 1505

Sec. 2925.11. (A) No person shall knowingly obtain, 1506
possess, or use a controlled substance or a controlled substance 1507
analog. 1508

(B)(1) This section does not apply to any of the 1509
following: 1510

(a) Manufacturers, licensed health professionals 1511
authorized to prescribe drugs, pharmacists, owners of 1512
pharmacies, and other persons whose conduct was in accordance 1513
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1514
4741. of the Revised Code; 1515

(b) If the offense involves an anabolic steroid, any 1516
person who is conducting or participating in a research project 1517
involving the use of an anabolic steroid if the project has been 1518
approved by the United States food and drug administration; 1519

(c) Any person who sells, offers for sale, prescribes, 1520
dispenses, or administers for livestock or other nonhuman 1521
species an anabolic steroid that is expressly intended for 1522
administration through implants to livestock or other nonhuman 1523
species and approved for that purpose under the "Federal Food, 1524
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1525
as amended, and is sold, offered for sale, prescribed, 1526
dispensed, or administered for that purpose in accordance with 1527

that act; 1528

(d) Any person who obtained the controlled substance 1529
pursuant to a lawful prescription issued by a licensed health 1530
professional authorized to prescribe drugs. 1531

(2) (a) As used in division (B) (2) of this section: 1532

(i) "Community addiction services provider" has the same 1533
meaning as in section 5119.01 of the Revised Code. 1534

(ii) "Community control sanction" and "drug treatment 1535
program" have the same meanings as in section 2929.01 of the 1536
Revised Code. 1537

(iii) "Health care facility" has the same meaning as in 1538
section 2919.16 of the Revised Code. 1539

(iv) "Minor drug possession offense" means a violation of 1540
this section that is a misdemeanor or a felony of the fifth 1541
degree. 1542

(v) "Post-release control sanction" has the same meaning 1543
as in section 2967.28 of the Revised Code. 1544

(vi) "Peace officer" has the same meaning as in section 1545
2935.01 of the Revised Code. 1546

(vii) "Public agency" has the same meaning as in section 1547
2930.01 of the Revised Code. 1548

(viii) "Qualified individual" means a person who is not on 1549
community control or post-release control and is a person acting 1550
in good faith who seeks or obtains medical assistance for 1551
another person who is experiencing a drug overdose, a person who 1552
experiences a drug overdose and who seeks medical assistance for 1553
that overdose, or a person who is the subject of another person 1554

seeking or obtaining medical assistance for that overdose as 1555
described in division (B) (2) (b) of this section. 1556

(ix) "Seek or obtain medical assistance" includes, but is 1557
not limited to making a 9-1-1 call, contacting in person or by 1558
telephone call an on-duty peace officer, or transporting or 1559
presenting a person to a health care facility. 1560

(b) Subject to division (B) (2) (f) of this section, a 1561
qualified individual shall not be arrested, charged, prosecuted, 1562
convicted, or penalized pursuant to this chapter for a minor 1563
drug possession offense if all of the following apply: 1564

(i) The evidence of the obtaining, possession, or use of 1565
the controlled substance or controlled substance analog that 1566
would be the basis of the offense was obtained as a result of 1567
the qualified individual seeking the medical assistance or 1568
experiencing an overdose and needing medical assistance. 1569

(ii) Subject to division (B) (2) (g) of this section, within 1570
thirty days after seeking or obtaining the medical assistance, 1571
the qualified individual seeks and obtains a screening and 1572
receives a referral for treatment from a community addiction 1573
services provider or a properly credentialed addiction treatment 1574
professional. 1575

(iii) Subject to division (B) (2) (g) of this section, the 1576
qualified individual who obtains a screening and receives a 1577
referral for treatment under division (B) (2) (b) (ii) of this 1578
section, upon the request of any prosecuting attorney, submits 1579
documentation to the prosecuting attorney that verifies that the 1580
qualified individual satisfied the requirements of that 1581
division. The documentation shall be limited to the date and 1582
time of the screening obtained and referral received. 1583

(c) If a person is found to be in violation of any 1584
community control sanction and if the violation is a result of 1585
either of the following, the court shall first consider ordering 1586
the person's participation or continued participation in a drug 1587
treatment program or mitigating the penalty specified in section 1588
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1589
applicable, after which the court has the discretion either to 1590
order the person's participation or continued participation in a 1591
drug treatment program or to impose the penalty with the 1592
mitigating factor specified in any of those applicable sections: 1593

(i) Seeking or obtaining medical assistance in good faith 1594
for another person who is experiencing a drug overdose; 1595

(ii) Experiencing a drug overdose and seeking medical 1596
assistance for that overdose or being the subject of another 1597
person seeking or obtaining medical assistance for that overdose 1598
as described in division (B)(2)(b) of this section. 1599

(d) If a person is found to be in violation of any post- 1600
release control sanction and if the violation is a result of 1601
either of the following, the court or the parole board shall 1602
first consider ordering the person's participation or continued 1603
participation in a drug treatment program or mitigating the 1604
penalty specified in section 2929.141 or 2967.28 of the Revised 1605
Code, whichever is applicable, after which the court or the 1606
parole board has the discretion either to order the person's 1607
participation or continued participation in a drug treatment 1608
program or to impose the penalty with the mitigating factor 1609
specified in either of those applicable sections: 1610

(i) Seeking or obtaining medical assistance in good faith 1611
for another person who is experiencing a drug overdose; 1612

(ii) Experiencing a drug overdose and seeking medical 1613
assistance for that emergency or being the subject of another 1614
person seeking or obtaining medical assistance for that overdose 1615
as described in division (B) (2) (b) of this section. 1616

(e) Nothing in division (B) (2) (b) of this section shall be 1617
construed to do any of the following: 1618

(i) Limit the admissibility of any evidence in connection 1619
with the investigation or prosecution of a crime with regards to 1620
a defendant who does not qualify for the protections of division 1621
(B) (2) (b) of this section or with regards to any crime other 1622
than a minor drug possession offense committed by a person who 1623
qualifies for protection pursuant to division (B) (2) (b) of this 1624
section for a minor drug possession offense; 1625

(ii) Limit any seizure of evidence or contraband otherwise 1626
permitted by law; 1627

(iii) Limit or abridge the authority of a peace officer to 1628
detain or take into custody a person in the course of an 1629
investigation or to effectuate an arrest for any offense except 1630
as provided in that division; 1631

(iv) Limit, modify, or remove any immunity from liability 1632
available pursuant to law in effect prior to ~~the effective date~~ 1633
~~of this amendment~~ September 13, 2016, to any public agency or to 1634
an employee of any public agency. 1635

(f) Division (B) (2) (b) of this section does not apply to 1636
any person who twice previously has been granted an immunity 1637
under division (B) (2) (b) of this section. No person shall be 1638
granted an immunity under division (B) (2) (b) of this section 1639
more than two times. 1640

(g) Nothing in this section shall compel any qualified 1641

individual to disclose protected health information in a way 1642
that conflicts with the requirements of the "Health Insurance 1643
Portability and Accountability Act of 1996," 104 Pub. L. No. 1644
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1645
regulations promulgated by the United States department of 1646
health and human services to implement the act or the 1647
requirements of 42 C.F.R. Part 2. 1648

(C) Whoever violates division (A) of this section is 1649
guilty of one of the following: 1650

(1) If the drug involved in the violation is a compound, 1651
mixture, preparation, or substance included in schedule I or II, 1652
with the exception of marihuana, cocaine, L.S.D., heroin, 1653
hashish, and controlled substance analogs and of any compound, 1654
mixture, preparation, or substance containing a detectable 1655
amount of any such drug, whoever violates division (A) of this 1656
section is guilty of aggravated possession of drugs. The penalty 1657
for the offense shall be determined as follows: 1658

(a) Except as otherwise provided in division (C) (1) (b), 1659
(c), (d), or (e) of this section, aggravated possession of drugs 1660
is a felony of the fifth degree, and division (B) of section 1661
2929.13 of the Revised Code applies in determining whether to 1662
impose a prison term on the offender. 1663

(b) If the amount of the drug involved equals or exceeds 1664
the bulk amount but is less than five times the bulk amount, 1665
aggravated possession of drugs is a felony of the third degree, 1666
and there is a presumption for a prison term for the offense. 1667

(c) If the amount of the drug involved equals or exceeds 1668
five times the bulk amount but is less than fifty times the bulk 1669
amount, aggravated possession of drugs is a felony of the second 1670

degree, and the court shall impose as a mandatory prison term 1671
one of the prison terms prescribed for a felony of the second 1672
degree. 1673

(d) If the amount of the drug involved equals or exceeds 1674
fifty times the bulk amount but is less than one hundred times 1675
the bulk amount, aggravated possession of drugs is a felony of 1676
the first degree, and the court shall impose as a mandatory 1677
prison term one of the prison terms prescribed for a felony of 1678
the first degree. 1679

(e) If the amount of the drug involved equals or exceeds 1680
one hundred times the bulk amount, aggravated possession of 1681
drugs is a felony of the first degree, the offender is a major 1682
drug offender, and the court shall impose as a mandatory prison 1683
term the maximum prison term prescribed for a felony of the 1684
first degree. 1685

(2) If the drug involved in the violation is a compound, 1686
mixture, preparation, or substance included in schedule III, IV, 1687
or V, whoever violates division (A) of this section is guilty of 1688
possession of drugs. The penalty for the offense shall be 1689
determined as follows: 1690

(a) Except as otherwise provided in division (C) (2) (b), 1691
(c), or (d) of this section, possession of drugs is a 1692
misdemeanor of the first degree or, if the offender previously 1693
has been convicted of a drug abuse offense, a felony of the 1694
fifth degree. 1695

(b) If the amount of the drug involved equals or exceeds 1696
the bulk amount but is less than five times the bulk amount, 1697
possession of drugs is a felony of the fourth degree, and 1698
division (C) of section 2929.13 of the Revised Code applies in 1699

determining whether to impose a prison term on the offender. 1700

(c) If the amount of the drug involved equals or exceeds 1701
five times the bulk amount but is less than fifty times the bulk 1702
amount, possession of drugs is a felony of the third degree, and 1703
there is a presumption for a prison term for the offense. 1704

(d) If the amount of the drug involved equals or exceeds 1705
fifty times the bulk amount, possession of drugs is a felony of 1706
the second degree, and the court shall impose upon the offender 1707
as a mandatory prison term one of the prison terms prescribed 1708
for a felony of the second degree. 1709

(3) If the drug involved in the violation is marihuana or 1710
a compound, mixture, preparation, or substance containing a 1711
detectable amount of marihuana other than hashish, whoever 1712
violates division (A) of this section is guilty of possession of 1713
marihuana. The penalty for the offense shall be determined as 1714
follows: 1715

(a) Except as otherwise provided in division (C) (3) (b), 1716
(c), (d), (e), (f), or (g) of this section, possession of 1717
marihuana is a minor misdemeanor. 1718

(b) If the amount of the drug involved equals or exceeds 1719
one hundred grams but is less than two hundred grams, possession 1720
of marihuana is a misdemeanor of the fourth degree. 1721

(c) If the amount of the drug involved equals or exceeds 1722
two hundred grams but is less than one thousand grams of 1723
marihuana or of the compound, mixture, preparation, or substance 1724
containing the detectable amount of marihuana, possession of 1725
marihuana is a felony of the fifth degree, and division (B) of 1726
section 2929.13 of the Revised Code applies in determining 1727
whether to impose a prison term on the offender. 1728

(d) If the amount of the drug involved equals or exceeds 1729
one thousand grams but is less than five thousand grams of 1730
marihuana or of the compound, mixture, preparation, or substance 1731
containing the detectable amount of marihuana, possession of 1732
marihuana is a felony of the third degree, and division (C) of 1733
section 2929.13 of the Revised Code applies in determining 1734
whether to impose a prison term on the offender. 1735

(e) If the amount of the drug involved equals or exceeds 1736
five thousand grams but is less than twenty thousand grams of 1737
marihuana or of the compound, mixture, preparation, or substance 1738
containing the detectable amount of marihuana, possession of 1739
marihuana is a felony of the third degree, and there is a 1740
presumption that a prison term shall be imposed for the offense. 1741

(f) If the amount of the drug involved equals or exceeds 1742
twenty thousand grams but is less than forty thousand grams of 1743
marihuana or of the compound, mixture, preparation, or substance 1744
containing the detectable amount of marihuana, possession of 1745
marihuana is a felony of the second degree, and the court shall 1746
impose a mandatory prison term of five, six, seven, or eight 1747
years. 1748

(g) If the amount of the drug involved equals or exceeds 1749
forty thousand grams of marihuana or of the compound, mixture, 1750
preparation, or substance containing the detectable amount of 1751
marihuana, possession of marihuana is a felony of the second 1752
degree, and the court shall impose as a mandatory prison term 1753
the maximum prison term prescribed for a felony of the second 1754
degree. 1755

(4) If the drug involved in the violation is cocaine or a 1756
compound, mixture, preparation, or substance containing a 1757
detectable amount of cocaine, whoever violates division (A) of 1758

this section is guilty of possession of cocaine. The penalty for 1759
the offense shall be determined as follows: 1760

(a) Except as otherwise provided in division (C) (4) (b), 1761
(c), (d), (e), or (f) of this section, possession of cocaine is 1762
a felony of the fifth degree, and division (B) of section 1763
2929.13 of the Revised Code applies in determining whether to 1764
impose a prison term on the offender. 1765

(b) If the amount of the drug involved equals or exceeds 1766
five grams but is less than ten grams of cocaine or of the 1767
compound, mixture, preparation, or substance containing the 1768
detectable amount of cocaine, possession of cocaine is a felony 1769
of the fourth degree, and division (B) of section 2929.13 of the 1770
Revised Code applies in determining whether to impose a prison 1771
term on the offender. 1772

(c) If the amount of the drug involved equals or exceeds 1773
ten grams but is less than twenty grams of cocaine or of the 1774
compound, mixture, preparation, or substance containing the 1775
detectable amount of cocaine, possession of cocaine is a felony 1776
of the third degree, and, except as otherwise provided in this 1777
division, there is a presumption for a prison term for the 1778
offense. If possession of cocaine is a felony of the third 1779
degree under this division and if the offender two or more times 1780
previously has been convicted of or pleaded guilty to a felony 1781
drug abuse offense, the court shall impose as a mandatory prison 1782
term one of the prison terms prescribed for a felony of the 1783
third degree. 1784

(d) If the amount of the drug involved equals or exceeds 1785
twenty grams but is less than twenty-seven grams of cocaine or 1786
of the compound, mixture, preparation, or substance containing 1787
the detectable amount of cocaine, possession of cocaine is a 1788

felony of the second degree, and the court shall impose as a 1789
mandatory prison term one of the prison terms prescribed for a 1790
felony of the second degree. 1791

(e) If the amount of the drug involved equals or exceeds 1792
twenty-seven grams but is less than one hundred grams of cocaine 1793
or of the compound, mixture, preparation, or substance 1794
containing the detectable amount of cocaine, possession of 1795
cocaine is a felony of the first degree, and the court shall 1796
impose as a mandatory prison term one of the prison terms 1797
prescribed for a felony of the first degree. 1798

(f) If the amount of the drug involved equals or exceeds 1799
one hundred grams of cocaine or of the compound, mixture, 1800
preparation, or substance containing the detectable amount of 1801
cocaine, possession of cocaine is a felony of the first degree, 1802
the offender is a major drug offender, and the court shall 1803
impose as a mandatory prison term the maximum prison term 1804
prescribed for a felony of the first degree. 1805

(5) If the drug involved in the violation is L.S.D. or a 1806
compound, mixture, preparation, or substance containing a 1807
detectable amount of L.S.D., whoever violates division (A) of 1808
this section is guilty of possession of L.S.D. The penalty for 1809
the offense shall be determined as follows: 1810

(a) Except as otherwise provided in division (C) (5) (b), 1811
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1812
felony of the fifth degree, and division (B) of section 2929.13 1813
of the Revised Code applies in determining whether to impose a 1814
prison term on the offender. 1815

(b) If the amount of L.S.D. involved equals or exceeds ten 1816
unit doses but is less than fifty unit doses of L.S.D. or of the 1817

compound, mixture, preparation, or substance containing the 1818
detectable amount of L.S.D. in a solid form or equals or exceeds 1819
one gram but is less than five grams of L.S.D. or of the 1820
compound, mixture, preparation, or substance containing the 1821
detectable amount of L.S.D. in a liquid concentrate, liquid 1822
extract, or liquid distillate form, possession of L.S.D. is a 1823
felony of the fourth degree, and division (C) of section 2929.13 1824
of the Revised Code applies in determining whether to impose a 1825
prison term on the offender. 1826

(c) If the amount of L.S.D. involved equals or exceeds 1827
fifty unit doses, but is less than two hundred fifty unit doses 1828
of L.S.D. or of the compound, mixture, preparation, or substance 1829
containing the detectable amount of L.S.D. in a solid form or 1830
equals or exceeds five grams but is less than twenty-five grams 1831
of L.S.D. or of the compound, mixture, preparation, or substance 1832
containing the detectable amount of L.S.D. in a liquid 1833
concentrate, liquid extract, or liquid distillate form, 1834
possession of L.S.D. is a felony of the third degree, and there 1835
is a presumption for a prison term for the offense. 1836

(d) If the amount of L.S.D. involved equals or exceeds two 1837
hundred fifty unit doses but is less than one thousand unit 1838
doses of L.S.D. or of the compound, mixture, preparation, or 1839
substance containing the detectable amount of L.S.D. in a solid 1840
form or equals or exceeds twenty-five grams but is less than one 1841
hundred grams of L.S.D. or of the compound, mixture, 1842
preparation, or substance containing the detectable amount of 1843
L.S.D. in a liquid concentrate, liquid extract, or liquid 1844
distillate form, possession of L.S.D. is a felony of the second 1845
degree, and the court shall impose as a mandatory prison term 1846
one of the prison terms prescribed for a felony of the second 1847
degree. 1848

(e) If the amount of L.S.D. involved equals or exceeds one 1849
thousand unit doses but is less than five thousand unit doses of 1850
L.S.D. or of the compound, mixture, preparation, or substance 1851
containing the detectable amount of L.S.D. in a solid form or 1852
equals or exceeds one hundred grams but is less than five 1853
hundred grams of L.S.D. or of the compound, mixture, 1854
preparation, or substance containing the detectable amount of 1855
L.S.D. in a liquid concentrate, liquid extract, or liquid 1856
distillate form, possession of L.S.D. is a felony of the first 1857
degree, and the court shall impose as a mandatory prison term 1858
one of the prison terms prescribed for a felony of the first 1859
degree. 1860

(f) If the amount of L.S.D. involved equals or exceeds 1861
five thousand unit doses of L.S.D. or of the compound, mixture, 1862
preparation, or substance containing the detectable amount of 1863
L.S.D. in a solid form or equals or exceeds five hundred grams 1864
of L.S.D. or of the compound, mixture, preparation, or substance 1865
containing the detectable amount of L.S.D. in a liquid 1866
concentrate, liquid extract, or liquid distillate form, 1867
possession of L.S.D. is a felony of the first degree, the 1868
offender is a major drug offender, and the court shall impose as 1869
a mandatory prison term the maximum prison term prescribed for a 1870
felony of the first degree. 1871

(6) If the drug involved in the violation is heroin or a 1872
compound, mixture, preparation, or substance containing a 1873
detectable amount of heroin, whoever violates division (A) of 1874
this section is guilty of possession of heroin. The penalty for 1875
the offense shall be determined as follows: 1876

(a) Except as otherwise provided in division (C) (6) (b), 1877
(c), (d), (e), or (f) of this section, possession of heroin is a 1878

felony of the fifth degree, and division (B) of section 2929.13 1879
of the Revised Code applies in determining whether to impose a 1880
prison term on the offender. 1881

(b) If the amount of the drug involved equals or exceeds 1882
ten unit doses but is less than fifty unit doses or equals or 1883
exceeds one gram but is less than five grams of heroin or of the 1884
compound, mixture, preparation, or substance containing the 1885
detectable amount of heroin, possession of heroin is a felony of 1886
the fourth degree, and division (C) of section 2929.13 of the 1887
Revised Code applies in determining whether to impose a prison 1888
term on the offender. 1889

(c) If the amount of the drug involved equals or exceeds 1890
fifty unit doses but is less than one hundred unit doses or 1891
equals or exceeds five grams but is less than ten grams of 1892
heroin or of the compound, mixture, preparation, or substance 1893
containing the detectable amount of heroin, possession of heroin 1894
is a felony of the third degree, and there is a presumption for 1895
a prison term for the offense. 1896

(d) If the amount of the drug involved equals or exceeds 1897
one hundred unit doses but is less than five hundred unit doses 1898
or equals or exceeds ten grams but is less than fifty grams of 1899
heroin or of the compound, mixture, preparation, or substance 1900
containing the detectable amount of heroin, possession of heroin 1901
is a felony of the second degree, and the court shall impose as 1902
a mandatory prison term one of the prison terms prescribed for a 1903
felony of the second degree. 1904

(e) If the amount of the drug involved equals or exceeds 1905
five hundred unit doses but is less than one thousand unit doses 1906
or equals or exceeds fifty grams but is less than one hundred 1907
grams of heroin or of the compound, mixture, preparation, or 1908

substance containing the detectable amount of heroin, possession 1909
of heroin is a felony of the first degree, and the court shall 1910
impose as a mandatory prison term one of the prison terms 1911
prescribed for a felony of the first degree. 1912

(f) If the amount of the drug involved equals or exceeds 1913
one thousand unit doses or equals or exceeds one hundred grams 1914
of heroin or of the compound, mixture, preparation, or substance 1915
containing the detectable amount of heroin, possession of heroin 1916
is a felony of the first degree, the offender is a major drug 1917
offender, and the court shall impose as a mandatory prison term 1918
the maximum prison term prescribed for a felony of the first 1919
degree. 1920

(7) If the drug involved in the violation is hashish or a 1921
compound, mixture, preparation, or substance containing a 1922
detectable amount of hashish, whoever violates division (A) of 1923
this section is guilty of possession of hashish. The penalty for 1924
the offense shall be determined as follows: 1925

(a) Except as otherwise provided in division (C) (7) (b), 1926
(c), (d), (e), (f), or (g) of this section, possession of 1927
hashish is a minor misdemeanor. 1928

(b) If the amount of the drug involved equals or exceeds 1929
five grams but is less than ten grams of hashish or of the 1930
compound, mixture, preparation, or substance containing the 1931
detectable amount of hashish in a solid form or equals or 1932
exceeds one gram but is less than two grams of hashish or of the 1933
compound, mixture, preparation, or substance containing the 1934
detectable amount of hashish in a liquid concentrate, liquid 1935
extract, or liquid distillate form, possession of hashish is a 1936
misdemeanor of the fourth degree. 1937

(c) If the amount of the drug involved equals or exceeds 1938
ten grams but is less than fifty grams of hashish or of the 1939
compound, mixture, preparation, or substance containing the 1940
detectable amount of hashish in a solid form or equals or 1941
exceeds two grams but is less than ten grams of hashish or of 1942
the compound, mixture, preparation, or substance containing the 1943
detectable amount of hashish in a liquid concentrate, liquid 1944
extract, or liquid distillate form, possession of hashish is a 1945
felony of the fifth degree, and division (B) of section 2929.13 1946
of the Revised Code applies in determining whether to impose a 1947
prison term on the offender. 1948

(d) If the amount of the drug involved equals or exceeds 1949
fifty grams but is less than two hundred fifty grams of hashish 1950
or of the compound, mixture, preparation, or substance 1951
containing the detectable amount of hashish in a solid form or 1952
equals or exceeds ten grams but is less than fifty grams of 1953
hashish or of the compound, mixture, preparation, or substance 1954
containing the detectable amount of hashish in a liquid 1955
concentrate, liquid extract, or liquid distillate form, 1956
possession of hashish is a felony of the third degree, and 1957
division (C) of section 2929.13 of the Revised Code applies in 1958
determining whether to impose a prison term on the offender. 1959

(e) If the amount of the drug involved equals or exceeds 1960
two hundred fifty grams but is less than one thousand grams of 1961
hashish or of the compound, mixture, preparation, or substance 1962
containing the detectable amount of hashish in a solid form or 1963
equals or exceeds fifty grams but is less than two hundred grams 1964
of hashish or of the compound, mixture, preparation, or 1965
substance containing the detectable amount of hashish in a 1966
liquid concentrate, liquid extract, or liquid distillate form, 1967
possession of hashish is a felony of the third degree, and there 1968

is a presumption that a prison term shall be imposed for the offense. 1969
1970

(f) If the amount of the drug involved equals or exceeds 1971
one thousand grams but is less than two thousand grams of 1972
hashish or of the compound, mixture, preparation, or substance 1973
containing the detectable amount of hashish in a solid form or 1974
equals or exceeds two hundred grams but is less than four 1975
hundred grams of hashish or of the compound, mixture, 1976
preparation, or substance containing the detectable amount of 1977
hashish in a liquid concentrate, liquid extract, or liquid 1978
distillate form, possession of hashish is a felony of the second 1979
degree, and the court shall impose a mandatory prison term of 1980
five, six, seven, or eight years. 1981

(g) If the amount of the drug involved equals or exceeds 1982
two thousand grams of hashish or of the compound, mixture, 1983
preparation, or substance containing the detectable amount of 1984
hashish in a solid form or equals or exceeds four hundred grams 1985
of hashish or of the compound, mixture, preparation, or 1986
substance containing the detectable amount of hashish in a 1987
liquid concentrate, liquid extract, or liquid distillate form, 1988
possession of hashish is a felony of the second degree, and the 1989
court shall impose as a mandatory prison term the maximum prison 1990
term prescribed for a felony of the second degree. 1991

(8) If the drug involved is a controlled substance analog 1992
or a compound, mixture, preparation, or substance that contains 1993
a detectable amount of a controlled substance analog, whoever 1994
violates division (A) of this section is guilty of possession of 1995
a controlled substance analog. The penalty for the offense shall 1996
be determined as follows: 1997

(a) Except as otherwise provided in division (C) (8) (b), 1998

(c), (d), (e), or (f) of this section, possession of a controlled substance analog 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 ten grams but is less than twenty grams of the controlled substance analog or of the compound, mixture, preparation, or substance containing the detectable amount of the controlled substance analog, possession of a controlled substance analog 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 grams but is less than thirty grams of the controlled substance analog or of the compound, mixture, preparation, or substance containing the detectable amount of the controlled substance analog, possession of a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams of the controlled substance analog or of the compound, mixture, preparation, or substance containing the detectable amount of the controlled substance analog, possession of a controlled substance analog 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 forty grams but is less than fifty grams of the controlled substance analog or of the compound, mixture, preparation, or substance containing the detectable amount of the controlled

substance analog, possession of a controlled substance analog is 2029
a felony of the first degree, and the court shall impose as a 2030
mandatory prison term one of the prison terms prescribed for a 2031
felony of the first degree. 2032

(f) If the amount of the drug involved equals or exceeds 2033
fifty grams of the controlled substance analog or of the 2034
compound, mixture, preparation, or substance containing the 2035
detectable amount of the controlled substance analog, possession 2036
of a controlled substance analog is a felony of the first 2037
degree, the offender is a major drug offender, and the court 2038
shall impose as a mandatory prison term the maximum prison term 2039
prescribed for a felony of the first degree. 2040

(D) Arrest or conviction for a minor misdemeanor violation 2041
of this section does not constitute a criminal record and need 2042
not be reported by the person so arrested or convicted in 2043
response to any inquiries about the person's criminal record, 2044
including any inquiries contained in any application for 2045
employment, license, or other right or privilege, or made in 2046
connection with the person's appearance as a witness. 2047

(E) In addition to any prison term or jail term authorized 2048
or required by division (C) of this section and sections 2049
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2050
Code and in addition to any other sanction that is imposed for 2051
the offense under this section, sections 2929.11 to 2929.18, or 2052
sections 2929.21 to 2929.28 of the Revised Code, the court that 2053
sentences an offender who is convicted of or pleads guilty to a 2054
violation of division (A) of this section may suspend the 2055
offender's driver's or commercial driver's license or permit for 2056
not more than five years. However, if the offender pleaded 2057
guilty to or was convicted of a violation of section 4511.19 of 2058

the Revised Code or a substantially similar municipal ordinance 2059
or the law of another state or the United States arising out of 2060
the same set of circumstances as the violation, the court shall 2061
suspend the offender's driver's or commercial driver's license 2062
or permit for not more than five years. If applicable, the court 2063
also shall do the following: 2064

(1) (a) If the violation is a felony of the first, second, 2065
or third degree, the court shall impose upon the offender the 2066
mandatory fine specified for the offense under division (B) (1) 2067
of section 2929.18 of the Revised Code unless, as specified in 2068
that division, the court determines that the offender is 2069
indigent. 2070

(b) Notwithstanding any contrary provision of section 2071
3719.21 of the Revised Code, the clerk of the court shall pay a 2072
mandatory fine or other fine imposed for a violation of this 2073
section pursuant to division (A) of section 2929.18 of the 2074
Revised Code in accordance with and subject to the requirements 2075
of division (F) of section 2925.03 of the Revised Code. The 2076
agency that receives the fine shall use the fine as specified in 2077
division (F) of section 2925.03 of the Revised Code. 2078

(c) If a person is charged with a violation of this 2079
section that is a felony of the first, second, or third degree, 2080
posts bail, and forfeits the bail, the clerk shall pay the 2081
forfeited bail pursuant to division (E) (1) (b) of this section as 2082
if it were a mandatory fine imposed under division (E) (1) (a) of 2083
this section. 2084

(2) If the offender is a professionally licensed person, 2085
in addition to any other sanction imposed for a violation of 2086
this section, the court immediately shall comply with section 2087
2925.38 of the Revised Code. 2088

(F) It is an affirmative defense, as provided in section 2089
2901.05 of the Revised Code, to a charge of a fourth degree 2090
felony violation under this section that the controlled 2091
substance that gave rise to the charge is in an amount, is in a 2092
form, is prepared, compounded, or mixed with substances that are 2093
not controlled substances in a manner, or is possessed under any 2094
other circumstances, that indicate that the substance was 2095
possessed solely for personal use. Notwithstanding any contrary 2096
provision of this section, if, in accordance with section 2097
2901.05 of the Revised Code, an accused who is charged with a 2098
fourth degree felony violation of division (C) (2), (4), (5), or 2099
(6) of this section sustains the burden of going forward with 2100
evidence of and establishes by a preponderance of the evidence 2101
the affirmative defense described in this division, the accused 2102
may be prosecuted for and may plead guilty to or be convicted of 2103
a misdemeanor violation of division (C) (2) of this section or a 2104
fifth degree felony violation of division (C) (4), (5), or (6) of 2105
this section respectively. 2106

(G) When a person is charged with possessing a bulk amount 2107
or multiple of a bulk amount, division (E) of section 2925.03 of 2108
the Revised Code applies regarding the determination of the 2109
amount of the controlled substance involved at the time of the 2110
offense. 2111

(H) It is an affirmative defense to a charge of possession 2112
of a controlled substance analog under division (C) (8) of this 2113
section that the person charged with violating that offense 2114
obtained, possessed, or used an item described in division (HH) 2115
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2116

(I) Any offender who received a mandatory suspension of 2117
the offender's driver's or commercial driver's license or permit 2118

under this section prior to ~~the effective date of this amendment~~ 2119
September 13, 2016, may file a motion with the sentencing court 2120
requesting the termination of the suspension. However, an 2121
offender who pleaded guilty to or was convicted of a violation 2122
of section 4511.19 of the Revised Code or a substantially 2123
similar municipal ordinance or law of another state or the 2124
United States that arose out of the same set of circumstances as 2125
the violation for which the offender's license or permit was 2126
suspended under this section shall not file such a motion. 2127

Upon the filing of a motion under division (I) of this 2128
section, the sentencing court, in its discretion, may terminate 2129
the suspension. 2130

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2131
possess, or use any instrument, article, or thing the customary 2132
and primary purpose of which is for the administration or use of 2133
a dangerous drug, other than marihuana or a compound, mixture, 2134
preparation, or substance containing a detectable amount of 2135
marihuana, when the instrument involved is a hypodermic or 2136
syringe, whether or not of crude or extemporized manufacture or 2137
assembly, and the instrument, article, or thing involved has 2138
been used by the offender to unlawfully administer or use a 2139
dangerous drug, other than marihuana or a compound, mixture, 2140
preparation, or substance containing a detectable amount of 2141
marihuana, or to prepare a dangerous drug, other than marihuana 2142
or a compound, mixture, preparation, or substance containing a 2143
detectable amount of marihuana, for unlawful administration or 2144
use. 2145

(B) This section does not apply to manufacturers, licensed 2146
health professionals authorized to prescribe drugs, pharmacists, 2147
owners of pharmacies, and other persons whose conduct was in 2148

accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2149
4731., and 4741. of the Revised Code. 2150

(C) Whoever violates this section is guilty of possessing 2151
drug abuse instruments, a misdemeanor of the second degree. If 2152
the offender previously has been convicted of a drug abuse 2153
offense, a violation of this section is a misdemeanor of the 2154
first degree. 2155

(D) (1) In addition to any other sanction imposed upon an 2156
offender for a violation of this section, the court may suspend 2157
for not more than five years the offender's driver's or 2158
commercial driver's license or permit. However, if the offender 2159
pleaded guilty to or was convicted of a violation of section 2160
4511.19 of the Revised Code or a substantially similar municipal 2161
ordinance or the law of another state or the United States 2162
arising out of the same set of circumstances as the violation, 2163
the court shall suspend the offender's driver's or commercial 2164
driver's license or permit for not more than five years. If the 2165
offender is a professionally licensed person, in addition to any 2166
other sanction imposed for a violation of this section, the 2167
court immediately shall comply with section 2925.38 of the 2168
Revised Code. 2169

(2) Any offender who received a mandatory suspension of 2170
the offender's driver's or commercial driver's license or permit 2171
under this section prior to ~~the effective date of this amendment~~ 2172
September 13, 2016, may file a motion with the sentencing court 2173
requesting the termination of the suspension. However, an 2174
offender who pleaded guilty to or was convicted of a violation 2175
of section 4511.19 of the Revised Code or a substantially 2176
similar municipal ordinance or law of another state or the 2177
United States that arose out of the same set of circumstances as 2178

the violation for which the offender's license or permit was 2179
suspended under this section shall not file such a motion. 2180

Upon the filing of a motion under division (D) (2) of this 2181
section, the sentencing court, in its discretion, may terminate 2182
the suspension. 2183

Sec. 2925.14. (A) As used in this section, "drug 2184
paraphernalia" means any equipment, product, or material of any 2185
kind that is used by the offender, intended by the offender for 2186
use, or designed for use, in propagating, cultivating, growing, 2187
harvesting, manufacturing, compounding, converting, producing, 2188
processing, preparing, testing, analyzing, packaging, 2189
repackaging, storing, containing, concealing, injecting, 2190
ingesting, inhaling, or otherwise introducing into the human 2191
body, a controlled substance in violation of this chapter. "Drug 2192
paraphernalia" includes, but is not limited to, any of the 2193
following equipment, products, or materials that are used by the 2194
offender, intended by the offender for use, or designed by the 2195
offender for use, in any of the following manners: 2196

(1) A kit for propagating, cultivating, growing, or 2197
harvesting any species of a plant that is a controlled substance 2198
or from which a controlled substance can be derived; 2199

(2) A kit for manufacturing, compounding, converting, 2200
producing, processing, or preparing a controlled substance; 2201

(3) Any object, instrument, or device for manufacturing, 2202
compounding, converting, producing, processing, or preparing 2203
methamphetamine or a compound, mixture, preparation, or 2204
substance containing a detectable amount of methamphetamine; 2205

(4) An isomerization device for increasing the potency of 2206
any species of a plant that is a controlled substance; 2207

- (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance; 2208
2209
- (6) A scale or balance for weighing or measuring a controlled substance; 2210
2211
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 2212
2213
2214
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana or a compound, mixture, preparation, or substance containing a detectable amount of marihuana; 2215
2216
2217
2218
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 2219
2220
- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 2221
2222
- (11) A container or device for storing or concealing a controlled substance; 2223
2224
- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 2225
2226
2227
- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, ~~or~~ hashish oil, or a compound, mixture, preparation, or substance containing a detectable amount of any such drug, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion 2228
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mask; roach clip or similar object used to hold burning 2236
material, such as a marihuana cigarette, that has become too 2237
small or too short to be held in the hand; miniature cocaine 2238
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2239
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2240

(B) In determining if any equipment, product, or material 2241
is drug paraphernalia, a court or law enforcement officer shall 2242
consider, in addition to other relevant factors, the following: 2243

(1) Any statement by the owner, or by anyone in control, 2244
of the equipment, product, or material, concerning its use; 2245

(2) The proximity in time or space of the equipment, 2246
product, or material, or of the act relating to the equipment, 2247
product, or material, to a violation of any provision of this 2248
chapter; 2249

(3) The proximity of the equipment, product, or material 2250
to any controlled substance; 2251

(4) The existence of any residue of a controlled substance 2252
on the equipment, product, or material; 2253

(5) Direct or circumstantial evidence of the intent of the 2254
owner, or of anyone in control, of the equipment, product, or 2255
material, to deliver it to any person whom the owner or person 2256
in control of the equipment, product, or material knows intends 2257
to use the object to facilitate a violation of any provision of 2258
this chapter. A finding that the owner, or anyone in control, of 2259
the equipment, product, or material, is not guilty of a 2260
violation of any other provision of this chapter does not 2261
prevent a finding that the equipment, product, or material was 2262
intended or designed by the offender for use as drug 2263
paraphernalia. 2264

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;	2265 2266
(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;	2267 2268
(8) National or local advertising concerning the use of the equipment, product, or material;	2269 2270
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	2271 2272
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	2273 2274 2275
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	2276 2277
(12) Expert testimony concerning the use of the equipment, product, or material.	2278 2279
(C) (1) Subject to division (D) (2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.	2280 2281 2282
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.	2283 2284 2285 2286
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for	2287 2288 2289 2290 2291 2292

use as drug paraphernalia. 2293

(D) (1) This section does not apply to manufacturers, 2294
licensed health professionals authorized to prescribe drugs, 2295
pharmacists, owners of pharmacies, and other persons whose 2296
conduct is in accordance with Chapters 3719., 4715., 4723., 2297
4729., 4730., 4731., and 4741. of the Revised Code. This section 2298
shall not be construed to prohibit the possession or use of a 2299
hypodermic as authorized by section 3719.172 of the Revised 2300
Code. 2301

(2) Division (C) (1) of this section does not apply to a 2302
person's use, or possession with purpose to use, any drug 2303
paraphernalia that is equipment, a product, or material of any 2304
kind that is used by the person, intended by the person for use, 2305
or designed for use in storing, containing, concealing, 2306
injecting, ingesting, inhaling, or otherwise introducing into 2307
the human body marihuana or a compound, mixture, preparation, or 2308
substance containing a detectable amount of marihuana. 2309

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2310
drug paraphernalia that was used, possessed, sold, or 2311
manufactured in a violation of this section shall be seized, 2312
after a conviction for that violation shall be forfeited, and 2313
upon forfeiture shall be disposed of pursuant to division (B) of 2314
section 2981.12 of the Revised Code. 2315

(F) (1) Whoever violates division (C) (1) of this section is 2316
guilty of illegal use or possession of drug paraphernalia, a 2317
misdemeanor of the fourth degree. 2318

(2) Except as provided in division (F) (3) of this section, 2319
whoever violates division (C) (2) of this section is guilty of 2320
dealing in drug paraphernalia, a misdemeanor of the second 2321

degree. 2322

(3) Whoever violates division (C) (2) of this section by 2323
selling drug paraphernalia to a juvenile is guilty of selling 2324
drug paraphernalia to juveniles, a misdemeanor of the first 2325
degree. 2326

(4) Whoever violates division (C) (3) of this section is 2327
guilty of illegal advertising of drug paraphernalia, a 2328
misdemeanor of the second degree. 2329

(G) (1) In addition to any other sanction imposed upon an 2330
offender for a violation of this section, the court may suspend 2331
for not more than five years the offender's driver's or 2332
commercial driver's license or permit. However, if the offender 2333
pleaded guilty to or was convicted of a violation of section 2334
4511.19 of the Revised Code or a substantially similar municipal 2335
ordinance or the law of another state or the United States 2336
arising out of the same set of circumstances as the violation, 2337
the court shall suspend the offender's driver's or commercial 2338
driver's license or permit for not more than five years. If the 2339
offender is a professionally licensed person, in addition to any 2340
other sanction imposed for a violation of this section, the 2341
court immediately shall comply with section 2925.38 of the 2342
Revised Code. 2343

(2) Any offender who received a mandatory suspension of 2344
the offender's driver's or commercial driver's license or permit 2345
under this section prior to ~~the effective date of this amendment~~ 2346
September 13, 2016, may file a motion with the sentencing court 2347
requesting the termination of the suspension. However, an 2348
offender who pleaded guilty to or was convicted of a violation 2349
of section 4511.19 of the Revised Code or a substantially 2350
similar municipal ordinance or law of another state or the 2351

United States that arose out of the same set of circumstances as 2352
the violation for which the offender's license or permit was 2353
suspended under this section shall not file such a motion. 2354

Upon the filing of a motion under division (G) (2) of this 2355
section, the sentencing court, in its discretion, may terminate 2356
the suspension. 2357

Sec. 2925.141. (A) As used in this section, "drug 2358
paraphernalia" has the same meaning as in section 2925.14 of the 2359
Revised Code. 2360

(B) In determining if any equipment, product, or material 2361
is drug paraphernalia, a court or law enforcement officer shall 2362
consider, in addition to other relevant factors, all factors 2363
identified in division (B) of section 2925.14 of the Revised 2364
Code. 2365

(C) No person shall knowingly use, or possess with purpose 2366
to use, any drug paraphernalia that is equipment, a product, or 2367
material of any kind that is used by the person, intended by the 2368
person for use, or designed for use in storing, containing, 2369
concealing, injecting, ingesting, inhaling, or otherwise 2370
introducing into the human body marihuana or a compound, 2371
mixture, preparation, or substance containing a detectable 2372
amount of marihuana. 2373

(D) This section does not apply to any person identified 2374
in division (D) (1) of section 2925.14 of the Revised Code, and 2375
it shall not be construed to prohibit the possession or use of a 2376
hypodermic as authorized by section 3719.172 of the Revised 2377
Code. 2378

(E) Division (E) of section 2925.14 of the Revised Code 2379
applies with respect to any drug paraphernalia that was used or 2380

possessed in violation of this section. 2381

(F) Whoever violates division (C) of this section is 2382
guilty of illegal use or possession of marihuana drug 2383
paraphernalia, a minor misdemeanor. 2384

(G) (1) In addition to any other sanction imposed upon an 2385
offender for a violation of this section, the court may suspend 2386
for not more than five years the offender's driver's or 2387
commercial driver's license or permit. However, if the offender 2388
pleaded guilty to or was convicted of a violation of section 2389
4511.19 of the Revised Code or a substantially similar municipal 2390
ordinance or the law of another state or the United States 2391
arising out of the same set of circumstances as the violation, 2392
the court shall suspend the offender's driver's or commercial 2393
driver's license or permit for not more than five years. If the 2394
offender is a professionally licensed person, in addition to any 2395
other sanction imposed for a violation of this section, the 2396
court immediately shall comply with section 2925.38 of the 2397
Revised Code. 2398

(2) Any offender who received a mandatory suspension of 2399
the offender's driver's or commercial driver's license or permit 2400
under this section prior to ~~the effective date of this amendment~~ 2401
September 13, 2016, may file a motion with the sentencing court 2402
requesting the termination of the suspension. However, an 2403
offender who pleaded guilty to or was convicted of a violation 2404
of section 4511.19 of the Revised Code or a substantially 2405
similar municipal ordinance or law of another state or the 2406
United States that arose out of the same set of circumstances as 2407
the violation for which the offender's license or permit was 2408
suspended under this section shall not file such a motion. 2409

Upon the filing of a motion under division (G) (2) of this 2410

section, the sentencing court, in its discretion, may terminate 2411
the suspension. 2412

Sec. 2925.22. (A) No person, by deception, shall procure 2413
the administration of, a prescription for, or the dispensing of, 2414
a dangerous drug or shall possess an uncompleted preprinted 2415
prescription blank used for writing a prescription for a 2416
dangerous drug. 2417

(B) Whoever violates this section is guilty of deception 2418
to obtain a dangerous drug. The penalty for the offense shall be 2419
determined as follows: 2420

(1) If the person possesses an uncompleted preprinted 2421
prescription blank used for writing a prescription for a 2422
dangerous drug or if the drug involved is a dangerous drug, 2423
except as otherwise provided in division (B)(2) or (3) of this 2424
section, deception to obtain a dangerous drug is a felony of the 2425
fifth degree or, if the offender previously has been convicted 2426
of or pleaded guilty to a drug abuse offense, a felony of the 2427
fourth degree. Division (C) of section 2929.13 of the Revised 2428
Code applies in determining whether to impose a prison term on 2429
the offender pursuant to this division. 2430

(2) If the drug involved is a compound, mixture, 2431
preparation, or substance included in schedule I or II, with the 2432
exception of marihuana and any compound, mixture, preparation, 2433
or substance containing a detectable amount of marihuana, the 2434
penalty for deception to obtain drugs is one of the following: 2435

(a) Except as otherwise provided in division (B)(2)(b), 2436
(c), or (d) of this section, it is a felony of the fourth 2437
degree, and division (C) of section 2929.13 of the Revised Code 2438
applies in determining whether to impose a prison term on the 2439

offender. 2440

(b) If the amount of the drug involved equals or exceeds 2441
the bulk amount but is less than five times the bulk amount, or 2442
if the amount of the drug involved that could be obtained 2443
pursuant to the prescription would equal or exceed the bulk 2444
amount but would be less than five times the bulk amount, it is 2445
a felony of the third degree, and there is a presumption for a 2446
prison term for the offense. 2447

(c) If the amount of the drug involved equals or exceeds 2448
five times the bulk amount but is less than fifty times the bulk 2449
amount, or if the amount of the drug involved that could be 2450
obtained pursuant to the prescription would equal or exceed five 2451
times the bulk amount but would be less than fifty times the 2452
bulk amount, it is a felony of the second degree, and there is a 2453
presumption for a prison term for the offense. 2454

(d) If the amount of the drug involved equals or exceeds 2455
fifty times the bulk amount, or if the amount of the drug 2456
involved that could be obtained pursuant to the prescription 2457
would equal or exceed fifty times the bulk amount, it is a 2458
felony of the first degree, and there is a presumption for a 2459
prison term for the offense. 2460

(3) If the drug involved is a compound, mixture, 2461
preparation, or substance included in schedule III, IV, or V or 2462
is marihuana or a compound, mixture, preparation, or substance 2463
containing a detectable amount of marihuana, the penalty for 2464
deception to obtain a dangerous drug is one of the following: 2465

(a) Except as otherwise provided in division (B) (3) (b), 2466
(c), or (d) of this section, it is a felony of the fifth degree, 2467
and division (C) of section 2929.13 of the Revised Code applies 2468

in determining whether to impose a prison term on the offender. 2469

(b) If the amount of the drug involved equals or exceeds 2470
the bulk amount but is less than five times the bulk amount, or 2471
if the amount of the drug involved that could be obtained 2472
pursuant to the prescription would equal or exceed the bulk 2473
amount but would be less than five times the bulk amount, it is 2474
a felony of the fourth degree, and division (C) of section 2475
2929.13 of the Revised Code applies in determining whether to 2476
impose a prison term on the offender. 2477

(c) If the amount of the drug involved equals or exceeds 2478
five times the bulk amount but is less than fifty times the bulk 2479
amount, or if the amount of the drug involved that could be 2480
obtained pursuant to the prescription would equal or exceed five 2481
times the bulk amount but would be less than fifty times the 2482
bulk amount, it is a felony of the third degree, and there is a 2483
presumption for a prison term for the offense. 2484

(d) If the amount of the drug involved equals or exceeds 2485
fifty times the bulk amount, or if the amount of the drug 2486
involved that could be obtained pursuant to the prescription 2487
would equal or exceed fifty times the bulk amount, it is a 2488
felony of the second degree, and there is a presumption for a 2489
prison term for the offense. 2490

(C) (1) In addition to any prison term authorized or 2491
required by division (B) of this section and sections 2929.13 2492
and 2929.14 of the Revised Code and in addition to any other 2493
sanction imposed for the offense under this section or sections 2494
2929.11 to 2929.18 of the Revised Code, the court that sentences 2495
an offender who is convicted of or pleads guilty to a violation 2496
of division (A) of this section may suspend for not more than 2497
five years the offender's driver's or commercial driver's 2498

license or permit. However, if the offender pleaded guilty to or 2499
was convicted of a violation of section 4511.19 of the Revised 2500
Code or a substantially similar municipal ordinance or the law 2501
of another state or the United States arising out of the same 2502
set of circumstances as the violation, the court shall suspend 2503
the offender's driver's or commercial driver's license or permit 2504
for not more than five years. 2505

If the offender is a professionally licensed person, in 2506
addition to any other sanction imposed for a violation of this 2507
section, the court immediately shall comply with section 2925.38 2508
of the Revised Code. 2509

(2) Any offender who received a mandatory suspension of 2510
the offender's driver's or commercial driver's license or permit 2511
under this section prior to ~~the effective date of this amendment~~ 2512
September 13, 2016, may file a motion with the sentencing court 2513
requesting the termination of the suspension. However, an 2514
offender who pleaded guilty to or was convicted of a violation 2515
of section 4511.19 of the Revised Code or a substantially 2516
similar municipal ordinance or law of another state or the 2517
United States that arose out of the same set of circumstances as 2518
the violation for which the offender's license or permit was 2519
suspended under this section shall not file such a motion. 2520

Upon the filing of a motion under division (C) (2) of this 2521
section, the sentencing court, in its discretion, may terminate 2522
the suspension. 2523

(D) Notwithstanding any contrary provision of section 2524
3719.21 of the Revised Code, the clerk of the court shall pay a 2525
fine imposed for a violation of this section pursuant to 2526
division (A) of section 2929.18 of the Revised Code in 2527
accordance with and subject to the requirements of division (F) 2528

of section 2925.03 of the Revised Code. The agency that receives 2529
the fine shall use the fine as specified in division (F) of 2530
section 2925.03 of the Revised Code. 2531

Sec. 2925.23. (A) No person shall knowingly make a false 2532
statement in any prescription, order, report, or record required 2533
by Chapter 3719. or 4729. of the Revised Code. 2534

(B) No person shall intentionally make, utter, or sell, or 2535
knowingly possess any of the following that is a false or 2536
forged: 2537

(1) Prescription; 2538

(2) Uncompleted preprinted prescription blank used for 2539
writing a prescription; 2540

(3) Official written order; 2541

(4) License for a terminal distributor of dangerous drugs 2542
as required in section 4729.60 of the Revised Code; 2543

(5) Registration certificate for a wholesale distributor 2544
of dangerous drugs as required in section 4729.60 of the Revised 2545
Code. 2546

(C) No person, by theft as defined in section 2913.02 of 2547
the Revised Code, shall acquire any of the following: 2548

(1) A prescription; 2549

(2) An uncompleted preprinted prescription blank used for 2550
writing a prescription; 2551

(3) An official written order; 2552

(4) A blank official written order; 2553

(5) A license or blank license for a terminal distributor 2554

of dangerous drugs as required in section 4729.60 of the Revised Code; 2555
2556

(6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code. 2557
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(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs. 2560
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(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 2563
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(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows: 2568
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(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana and any compound, mixture, preparation, or substance containing a detectable amount of marihuana, illegal processing of drug documents 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. 2576
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(2) If the drug involved is a dangerous drug or a 2584
compound, mixture, preparation, or substance included in 2585
schedule III, IV, or V or is marihuana or a compound, mixture, 2586
preparation, or substance containing a detectable amount of 2587
marihuana, illegal processing of drug documents is a felony of 2588
the fifth degree, and division (C) of section 2929.13 of the 2589
Revised Code applies in determining whether to impose a prison 2590
term on the offender. 2591

(G) (1) In addition to any prison term authorized or 2592
required by division (F) of this section and sections 2929.13 2593
and 2929.14 of the Revised Code and in addition to any other 2594
sanction imposed for the offense under this section or sections 2595
2929.11 to 2929.18 of the Revised Code, the court that sentences 2596
an offender who is convicted of or pleads guilty to any 2597
violation of divisions (A) to (D) of this section may suspend 2598
for not more than five years the offender's driver's or 2599
commercial driver's license or permit. However, if the offender 2600
pleaded guilty to or was convicted of a violation of section 2601
4511.19 of the Revised Code or a substantially similar municipal 2602
ordinance or the law of another state or the United States 2603
arising out of the same set of circumstances as the violation, 2604
the court shall suspend the offender's driver's or commercial 2605
driver's license or permit for not more than five years. 2606

If the offender is a professionally licensed person, in 2607
addition to any other sanction imposed for a violation of this 2608
section, the court immediately shall comply with section 2925.38 2609
of the Revised Code. 2610

(2) Any offender who received a mandatory suspension of 2611
the offender's driver's or commercial driver's license or permit 2612
under this section prior to ~~the effective date of this amendment~~ 2613

September 13, 2016, may file a motion with the sentencing court 2614
requesting the termination of the suspension. However, an 2615
offender who pleaded guilty to or was convicted of a violation 2616
of section 4511.19 of the Revised Code or a substantially 2617
similar municipal ordinance or law of another state or the 2618
United States that arose out of the same set of circumstances as 2619
the violation for which the offender's license or permit was 2620
suspended under this section shall not file such a motion. 2621

Upon the filing of a motion under division (G) (2) of this 2622
section, the sentencing court, in its discretion, may terminate 2623
the suspension. 2624

(H) Notwithstanding any contrary provision of section 2625
3719.21 of the Revised Code, the clerk of court shall pay a fine 2626
imposed for a violation of this section pursuant to division (A) 2627
of section 2929.18 of the Revised Code in accordance with and 2628
subject to the requirements of division (F) of section 2925.03 2629
of the Revised Code. The agency that receives the fine shall use 2630
the fine as specified in division (F) of section 2925.03 of the 2631
Revised Code. 2632

Sec. 2925.36. (A) No person shall knowingly furnish 2633
another a sample drug. 2634

(B) Division (A) of this section does not apply to 2635
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2636
licensed health professionals authorized to prescribe drugs, and 2637
other persons whose conduct is in accordance with Chapters 2638
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2639
the Revised Code. 2640

(C) (1) Whoever violates this section is guilty of illegal 2641
dispensing of drug samples. 2642

(2) If the drug involved in the offense is a compound, 2643
mixture, preparation, or substance included in schedule I or II, 2644
with the exception of marihuana and any compound, mixture, 2645
preparation, or substance containing a detectable amount of 2646
marihuana, the penalty for the offense shall be determined as 2647
follows: 2648

(a) Except as otherwise provided in division (C) (2) (b) of 2649
this section, illegal dispensing of drug samples is a felony of 2650
the fifth degree, and, subject to division (E) of this section, 2651
division (C) of section 2929.13 of the Revised Code applies in 2652
determining whether to impose a prison term on the offender. 2653

(b) If the offense was committed in the vicinity of a 2654
school or in the vicinity of a juvenile, illegal dispensing of 2655
drug samples is a felony of the fourth degree, and, subject to 2656
division (E) of this section, division (C) of section 2929.13 of 2657
the Revised Code applies in determining whether to impose a 2658
prison term on the offender. 2659

(3) If the drug involved in the offense is a dangerous 2660
drug or a compound, mixture, preparation, or substance included 2661
in schedule III, IV, or V, or is marihuana or a compound, 2662
mixture, preparation, or substance containing a detectable 2663
amount of marihuana, the penalty for the offense shall be 2664
determined as follows: 2665

(a) Except as otherwise provided in division (C) (3) (b) of 2666
this section, illegal dispensing of drug samples is a 2667
misdemeanor of the second degree. 2668

(b) If the offense was committed in the vicinity of a 2669
school or in the vicinity of a juvenile, illegal dispensing of 2670
drug samples is a misdemeanor of the first degree. 2671

(D) (1) In addition to any prison term authorized or 2672
required by division (C) or (E) of this section and sections 2673
2929.13 and 2929.14 of the Revised Code and in addition to any 2674
other sanction imposed for the offense under this section or 2675
sections 2929.11 to 2929.18 of the Revised Code, the court that 2676
sentences an offender who is convicted of or pleads guilty to a 2677
violation of division (A) of this section may suspend for not 2678
more than five years the offender's driver's or commercial 2679
driver's license or permit. However, if the offender pleaded 2680
guilty to or was convicted of a violation of section 4511.19 of 2681
the Revised Code or a substantially similar municipal ordinance 2682
or the law of another state or the United States arising out of 2683
the same set of circumstances as the violation, the court shall 2684
suspend the offender's driver's or commercial driver's license 2685
or permit for not more than five years. 2686

If the offender is a professionally licensed person, in 2687
addition to any other sanction imposed for a violation of this 2688
section, the court immediately shall comply with section 2925.38 2689
of the Revised Code. 2690

(2) Any offender who received a mandatory suspension of 2691
the offender's driver's or commercial driver's license or permit 2692
under this section prior to ~~the effective date of this amendment~~ 2693
September 13, 2016, may file a motion with the sentencing court 2694
requesting the termination of the suspension. However, an 2695
offender who pleaded guilty to or was convicted of a violation 2696
of section 4511.19 of the Revised Code or a substantially 2697
similar municipal ordinance or law of another state or the 2698
United States that arose out of the same set of circumstances as 2699
the violation for which the offender's license or permit was 2700
suspended under this section shall not file such a motion. 2701

Upon the filing of a motion under division (D) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(E) Notwithstanding the prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana and any compound, mixture, preparation, or substance containing a detectable amount of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

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

Sec. 2925.51. (A) In any criminal prosecution for a violation of this chapter or Chapter 3719. of the Revised Code, a laboratory report from the bureau of criminal identification and investigation, a laboratory operated by another law enforcement agency, or a laboratory established by or under the

authority of an institution of higher education that has its 2732
main campus in this state and that is accredited by the 2733
association of American universities or the north central 2734
association of colleges and secondary schools, primarily for the 2735
purpose of providing scientific services to law enforcement 2736
agencies and signed by the person performing the analysis, 2737
stating that the substance that is the basis of the alleged 2738
offense has been weighed and analyzed and stating the findings 2739
as to the content, weight, and identity of the substance and 2740
that it contains any amount of a controlled substance and the 2741
number and description of unit dosages, is prima-facie evidence 2742
of the content, identity, and weight or the existence and number 2743
of unit dosages of the substance. In any criminal prosecution 2744
for a violation of section 2925.041 of the Revised Code or a 2745
violation of this chapter or Chapter 3719. of the Revised Code 2746
that is based on the possession of chemicals sufficient to 2747
produce a compound, mixture, preparation, or substance included 2748
in schedule I, II, III, IV, or V, a laboratory report from the 2749
bureau or from any laboratory that is operated or established as 2750
described in this division that is signed by the person 2751
performing the analysis, stating that the substances that are 2752
the basis of the alleged offense have been weighed and analyzed 2753
and stating the findings as to the content, weight, and identity 2754
of each of the substances, is prima-facie evidence of the 2755
content, identity, and weight of the substances. 2756

Attached to that report shall be a copy of a notarized 2757
statement by the signer of the report giving the name of the 2758
signer and stating that the signer is an employee of the 2759
laboratory issuing the report and that performing the analysis 2760
is a part of the signer's regular duties, and giving an outline 2761
of the signer's education, training, and experience for 2762

performing an analysis of materials included under this section. 2763
The signer shall attest that scientifically accepted tests were 2764
performed with due caution, and that the evidence was handled in 2765
accordance with established and accepted procedures while in the 2766
custody of the laboratory. 2767

(B) The prosecuting attorney shall serve a copy of the 2768
report on the attorney of record for the accused, or on the 2769
accused if the accused has no attorney, prior to any proceeding 2770
in which the report is to be used against the accused other than 2771
at a preliminary hearing or grand jury proceeding where the 2772
report may be used without having been previously served upon 2773
the accused. 2774

(C) The report shall not be prima-facie evidence of the 2775
contents, identity, and weight or the existence and number of 2776
unit dosages of the substance if the accused or the accused's 2777
attorney demands the testimony of the person signing the report, 2778
by serving the demand upon the prosecuting attorney within seven 2779
days from the accused or the accused's attorney's receipt of the 2780
report. The time may be extended by a trial judge in the 2781
interests of justice. 2782

(D) Any report issued for use under this section shall 2783
contain notice of the right of the accused to demand, and the 2784
manner in which the accused shall demand, the testimony of the 2785
person signing the report. 2786

(E) Any person who is accused of a violation of this 2787
chapter or of Chapter 3719. of the Revised Code is entitled, 2788
upon written request made to the prosecuting attorney, to have a 2789
portion of the substance that is, or of each of the substances 2790
that are, the basis of the alleged violation preserved for the 2791
benefit of independent analysis performed by a laboratory 2792

analyst employed by the accused person, or, if the accused is 2793
indigent, by a qualified laboratory analyst appointed by the 2794
court. Such portion shall be a representative sample of the 2795
entire substance that is, or of each of the substances that are, 2796
the basis of the alleged violation and shall be of sufficient 2797
size, in the opinion of the court, to permit the accused's 2798
analyst to make a thorough scientific analysis concerning the 2799
identity of the substance or substances. The prosecuting 2800
attorney shall provide the accused's analyst with the sample 2801
portion at least fourteen days prior to trial, unless the trial 2802
is to be held in a court not of record or unless the accused 2803
person is charged with a minor misdemeanor, in which case the 2804
prosecuting attorney shall provide the accused's analyst with 2805
the sample portion at least three days prior to trial. If the 2806
prosecuting attorney determines that such a sample portion 2807
cannot be preserved and given to the accused's analyst, the 2808
prosecuting attorney shall so inform the accused person or his 2809
attorney. In such a circumstance, the accused person is 2810
entitled, upon written request made to the prosecuting attorney, 2811
to have the accused's privately employed or court appointed 2812
analyst present at an analysis of the substance that is, or the 2813
substances that are, the basis of the alleged violation, and, 2814
upon further written request, to receive copies of all recorded 2815
scientific data that result from the analysis and that can be 2816
used by an analyst in arriving at conclusions, findings, or 2817
opinions concerning the identity of the substance or substances 2818
subject to the analysis. 2819

(F) In addition to the rights provided under division (E) 2820
of this section, any person who is accused of a violation of 2821
this chapter or of Chapter 3719. of the Revised Code that 2822
involves a bulk amount of a controlled substance, or any 2823

multiple thereof, or who is accused of a violation of section 2824
2925.11 of the Revised Code, other than a minor misdemeanor 2825
violation, that involves marihuana or a compound, mixture, 2826
preparation, or substance containing a detectable amount of 2827
marihuana, is entitled, upon written request made to the 2828
prosecuting attorney, to have a laboratory analyst of the 2829
accused's choice, or, if the accused is indigent, a qualified 2830
laboratory analyst appointed by the court present at a 2831
measurement or weighing of the substance that is the basis of 2832
the alleged violation. Also, the accused person is entitled, 2833
upon further written request, to receive copies of all recorded 2834
scientific data that result from the measurement or weighing and 2835
that can be used by an analyst in arriving at conclusions, 2836
findings, or opinions concerning the weight, volume, or number 2837
of unit doses of the substance subject to the measurement or 2838
weighing. 2839

Sec. 2929.14. (A) Except as provided in division (B) (1), 2840
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 2841
(G), (H), (J), or (K) of this section or in division (D) (6) of 2842
section 2919.25 of the Revised Code and except in relation to an 2843
offense for which a sentence of death or life imprisonment is to 2844
be imposed, if the court imposing a sentence upon an offender 2845
for a felony elects or is required to impose a prison term on 2846
the offender pursuant to this chapter, the court shall impose a 2847
definite prison term that shall be one of the following: 2848

(1) For a felony of the first degree, the prison term 2849
shall be three, four, five, six, seven, eight, nine, ten, or 2850
eleven years. 2851

(2) For a felony of the second degree, the prison term 2852
shall be two, three, four, five, six, seven, or eight years. 2853

(3) (a) For a felony of the third degree that is a 2854
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2855
2907.05, or 3795.04 of the Revised Code or that is a violation 2856
of section 2911.02 or 2911.12 of the Revised Code if the 2857
offender previously has been convicted of or pleaded guilty in 2858
two or more separate proceedings to two or more violations of 2859
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 2860
Code, the prison term shall be twelve, eighteen, twenty-four, 2861
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 2862
months. 2863

(b) For a felony of the third degree that is not an 2864
offense for which division (A) (3) (a) of this section applies, 2865
the prison term shall be nine, twelve, eighteen, twenty-four, 2866
thirty, or thirty-six months. 2867

(4) For a felony of the fourth degree, the prison term 2868
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2869
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2870

(5) For a felony of the fifth degree, the prison term 2871
shall be six, seven, eight, nine, ten, eleven, or twelve months. 2872

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2873
section, if an offender who is convicted of or pleads guilty to 2874
a felony also is convicted of or pleads guilty to a 2875
specification of the type described in section 2941.141, 2876
2941.144, or 2941.145 of the Revised Code, the court shall 2877
impose on the offender one of the following prison terms: 2878

(i) A prison term of six years if the specification is of 2879
the type described in division (A) of section 2941.144 of the 2880
Revised Code that charges the offender with having a firearm 2881
that is an automatic firearm or that was equipped with a firearm 2882

muffler or suppressor on or about the offender's person or under 2883
the offender's control while committing the offense; 2884

(ii) A prison term of three years if the specification is 2885
of the type described in division (A) of section 2941.145 of the 2886
Revised Code that charges the offender with having a firearm on 2887
or about the offender's person or under the offender's control 2888
while committing the offense and displaying the firearm, 2889
brandishing the firearm, indicating that the offender possessed 2890
the firearm, or using it to facilitate the offense; 2891

(iii) A prison term of one year if the specification is of 2892
the type described in division (A) of section 2941.141 of the 2893
Revised Code that charges the offender with having a firearm on 2894
or about the offender's person or under the offender's control 2895
while committing the offense; 2896

(iv) A prison term of nine years if the specification is 2897
of the type described in division (D) of section 2941.144 of the 2898
Revised Code that charges the offender with having a firearm 2899
that is an automatic firearm or that was equipped with a firearm 2900
muffler or suppressor on or about the offender's person or under 2901
the offender's control while committing the offense and 2902
specifies that the offender previously has been convicted of or 2903
pleaded guilty to a specification of the type described in 2904
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2905
the Revised Code; 2906

(v) A prison term of fifty-four months if the 2907
specification is of the type described in division (D) of 2908
section 2941.145 of the Revised Code that charges the offender 2909
with having a firearm on or about the offender's person or under 2910
the offender's control while committing the offense and 2911
displaying the firearm, brandishing the firearm, indicating that 2912

the offender possessed the firearm, or using the firearm to 2913
facilitate the offense and that the offender previously has been 2914
convicted of or pleaded guilty to a specification of the type 2915
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2916
2941.1412 of the Revised Code; 2917

(vi) A prison term of eighteen months if the specification 2918
is of the type described in division (D) of section 2941.141 of 2919
the Revised Code that charges the offender with having a firearm 2920
on or about the offender's person or under the offender's 2921
control while committing the offense and that the offender 2922
previously has been convicted of or pleaded guilty to a 2923
specification of the type described in section 2941.141, 2924
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2925

(b) If a court imposes a prison term on an offender under 2926
division (B) (1) (a) of this section, the prison term shall not be 2927
reduced pursuant to section 2967.19, section 2929.20, section 2928
2967.193, or any other provision of Chapter 2967. or Chapter 2929
5120. of the Revised Code. Except as provided in division (B) (1) 2930
(g) of this section, a court shall not impose more than one 2931
prison term on an offender under division (B) (1) (a) of this 2932
section for felonies committed as part of the same act or 2933
transaction. 2934

(c) (i) Except as provided in division (B) (1) (e) of this 2935
section, if an offender who is convicted of or pleads guilty to 2936
a violation of section 2923.161 of the Revised Code or to a 2937
felony that includes, as an essential element, purposely or 2938
knowingly causing or attempting to cause the death of or 2939
physical harm to another, also is convicted of or pleads guilty 2940
to a specification of the type described in division (A) of 2941
section 2941.146 of the Revised Code that charges the offender 2942

with committing the offense by discharging a firearm from a 2943
motor vehicle other than a manufactured home, the court, after 2944
imposing a prison term on the offender for the violation of 2945
section 2923.161 of the Revised Code or for the other felony 2946
offense under division (A), (B) (2), or (B) (3) of this section, 2947
shall impose an additional prison term of five years upon the 2948
offender that shall not be reduced pursuant to section 2929.20, 2949
section 2967.19, section 2967.193, or any other provision of 2950
Chapter 2967. or Chapter 5120. of the Revised Code. 2951

(ii) Except as provided in division (B) (1) (e) of this 2952
section, if an offender who is convicted of or pleads guilty to 2953
a violation of section 2923.161 of the Revised Code or to a 2954
felony that includes, as an essential element, purposely or 2955
knowingly causing or attempting to cause the death of or 2956
physical harm to another, also is convicted of or pleads guilty 2957
to a specification of the type described in division (C) of 2958
section 2941.146 of the Revised Code that charges the offender 2959
with committing the offense by discharging a firearm from a 2960
motor vehicle other than a manufactured home and that the 2961
offender previously has been convicted of or pleaded guilty to a 2962
specification of the type described in section 2941.141, 2963
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2964
the court, after imposing a prison term on the offender for the 2965
violation of section 2923.161 of the Revised Code or for the 2966
other felony offense under division (A), (B) (2), or (3) of this 2967
section, shall impose an additional prison term of ninety months 2968
upon the offender that shall not be reduced pursuant to section 2969
2929.20, 2967.19, 2967.193, or any other provision of Chapter 2970
2967. or Chapter 5120. of the Revised Code. 2971

(iii) A court shall not impose more than one additional 2972
prison term on an offender under division (B) (1) (c) of this 2973

section for felonies committed as part of the same act or 2974
transaction. If a court imposes an additional prison term on an 2975
offender under division (B) (1) (c) of this section relative to an 2976
offense, the court also shall impose a prison term under 2977
division (B) (1) (a) of this section relative to the same offense, 2978
provided the criteria specified in that division for imposing an 2979
additional prison term are satisfied relative to the offender 2980
and the offense. 2981

(d) If an offender who is convicted of or pleads guilty to 2982
an offense of violence that is a felony also is convicted of or 2983
pleads guilty to a specification of the type described in 2984
section 2941.1411 of the Revised Code that charges the offender 2985
with wearing or carrying body armor while committing the felony 2986
offense of violence, the court shall impose on the offender a 2987
prison term of two years. The prison term so imposed, subject to 2988
divisions (C) to (I) of section 2967.19 of the Revised Code, 2989
shall not be reduced pursuant to section 2929.20, section 2990
2967.19, section 2967.193, or any other provision of Chapter 2991
2967. or Chapter 5120. of the Revised Code. A court shall not 2992
impose more than one prison term on an offender under division 2993
(B) (1) (d) of this section for felonies committed as part of the 2994
same act or transaction. If a court imposes an additional prison 2995
term under division (B) (1) (a) or (c) of this section, the court 2996
is not precluded from imposing an additional prison term under 2997
division (B) (1) (d) of this section. 2998

(e) The court shall not impose any of the prison terms 2999
described in division (B) (1) (a) of this section or any of the 3000
additional prison terms described in division (B) (1) (c) of this 3001
section upon an offender for a violation of section 2923.12 or 3002
2923.123 of the Revised Code. The court shall not impose any of 3003
the prison terms described in division (B) (1) (a) or (b) of this 3004

section upon an offender for a violation of section 2923.122 3005
that involves a deadly weapon that is a firearm other than a 3006
dangerous ordnance, section 2923.16, or section 2923.121 of the 3007
Revised Code. The court shall not impose any of the prison terms 3008
described in division (B) (1) (a) of this section or any of the 3009
additional prison terms described in division (B) (1) (c) of this 3010
section upon an offender for a violation of section 2923.13 of 3011
the Revised Code unless all of the following apply: 3012

(i) The offender previously has been convicted of 3013
aggravated murder, murder, or any felony of the first or second 3014
degree. 3015

(ii) Less than five years have passed since the offender 3016
was released from prison or post-release control, whichever is 3017
later, for the prior offense. 3018

(f) (i) If an offender is convicted of or pleads guilty to 3019
a felony that includes, as an essential element, causing or 3020
attempting to cause the death of or physical harm to another and 3021
also is convicted of or pleads guilty to a specification of the 3022
type described in division (A) of section 2941.1412 of the 3023
Revised Code that charges the offender with committing the 3024
offense by discharging a firearm at a peace officer as defined 3025
in section 2935.01 of the Revised Code or a corrections officer, 3026
as defined in section 2941.1412 of the Revised Code, the court, 3027
after imposing a prison term on the offender for the felony 3028
offense under division (A), (B) (2), or (B) (3) of this section, 3029
shall impose an additional prison term of seven years upon the 3030
offender that shall not be reduced pursuant to section 2929.20, 3031
section 2967.19, section 2967.193, or any other provision of 3032
Chapter 2967. or Chapter 5120. of the Revised Code. 3033

(ii) If an offender is convicted of or pleads guilty to a 3034

felony that includes, as an essential element, causing or 3035
attempting to cause the death of or physical harm to another and 3036
also is convicted of or pleads guilty to a specification of the 3037
type described in division (B) of section 2941.1412 of the 3038
Revised Code that charges the offender with committing the 3039
offense by discharging a firearm at a peace officer, as defined 3040
in section 2935.01 of the Revised Code, or a corrections 3041
officer, as defined in section 2941.1412 of the Revised Code, 3042
and that the offender previously has been convicted of or 3043
pleaded guilty to a specification of the type described in 3044
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3045
the Revised Code, the court, after imposing a prison term on the 3046
offender for the felony offense under division (A), (B) (2), or 3047
(3) of this section, shall impose an additional prison term of 3048
one hundred twenty-six months upon the offender that shall not 3049
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3050
any other provision of Chapter 2967. or 5120. of the Revised 3051
Code. 3052

(iii) If an offender is convicted of or pleads guilty to 3053
two or more felonies that include, as an essential element, 3054
causing or attempting to cause the death or physical harm to 3055
another and also is convicted of or pleads guilty to a 3056
specification of the type described under division (B) (1) (f) of 3057
this section in connection with two or more of the felonies of 3058
which the offender is convicted or to which the offender pleads 3059
guilty, the sentencing court shall impose on the offender the 3060
prison term specified under division (B) (1) (f) of this section 3061
for each of two of the specifications of which the offender is 3062
convicted or to which the offender pleads guilty and, in its 3063
discretion, also may impose on the offender the prison term 3064
specified under that division for any or all of the remaining 3065

specifications. If a court imposes an additional prison term on 3066
an offender under division (B) (1) (f) of this section relative to 3067
an offense, the court shall not impose a prison term under 3068
division (B) (1) (a) or (c) of this section relative to the same 3069
offense. 3070

(g) If an offender is convicted of or pleads guilty to two 3071
or more felonies, if one or more of those felonies are 3072
aggravated murder, murder, attempted aggravated murder, 3073
attempted murder, aggravated robbery, felonious assault, or 3074
rape, and if the offender is convicted of or pleads guilty to a 3075
specification of the type described under division (B) (1) (a) of 3076
this section in connection with two or more of the felonies, the 3077
sentencing court shall impose on the offender the prison term 3078
specified under division (B) (1) (a) of this section for each of 3079
the two most serious specifications of which the offender is 3080
convicted or to which the offender pleads guilty and, in its 3081
discretion, also may impose on the offender the prison term 3082
specified under that division for any or all of the remaining 3083
specifications. 3084

(2) (a) If division (B) (2) (b) of this section does not 3085
apply, the court may impose on an offender, in addition to the 3086
longest prison term authorized or required for the offense, an 3087
additional definite prison term of one, two, three, four, five, 3088
six, seven, eight, nine, or ten years if all of the following 3089
criteria are met: 3090

(i) The offender is convicted of or pleads guilty to a 3091
specification of the type described in section 2941.149 of the 3092
Revised Code that the offender is a repeat violent offender. 3093

(ii) The offense of which the offender currently is 3094
convicted or to which the offender currently pleads guilty is 3095

aggravated murder and the court does not impose a sentence of 3096
death or life imprisonment without parole, murder, terrorism and 3097
the court does not impose a sentence of life imprisonment 3098
without parole, any felony of the first degree that is an 3099
offense of violence and the court does not impose a sentence of 3100
life imprisonment without parole, or any felony of the second 3101
degree that is an offense of violence and the trier of fact 3102
finds that the offense involved an attempt to cause or a threat 3103
to cause serious physical harm to a person or resulted in 3104
serious physical harm to a person. 3105

(iii) The court imposes the longest prison term for the 3106
offense that is not life imprisonment without parole. 3107

(iv) The court finds that the prison terms imposed 3108
pursuant to division (B) (2) (a) (iii) of this section and, if 3109
applicable, division (B) (1) or (3) of this section are 3110
inadequate to punish the offender and protect the public from 3111
future crime, because the applicable factors under section 3112
2929.12 of the Revised Code indicating a greater likelihood of 3113
recidivism outweigh the applicable factors under that section 3114
indicating a lesser likelihood of recidivism. 3115

(v) The court finds that the prison terms imposed pursuant 3116
to division (B) (2) (a) (iii) of this section and, if applicable, 3117
division (B) (1) or (3) of this section are demeaning to the 3118
seriousness of the offense, because one or more of the factors 3119
under section 2929.12 of the Revised Code indicating that the 3120
offender's conduct is more serious than conduct normally 3121
constituting the offense are present, and they outweigh the 3122
applicable factors under that section indicating that the 3123
offender's conduct is less serious than conduct normally 3124
constituting the offense. 3125

(b) The court shall impose on an offender the longest 3126
prison term authorized or required for the offense and shall 3127
impose on the offender an additional definite prison term of 3128
one, two, three, four, five, six, seven, eight, nine, or ten 3129
years if all of the following criteria are met: 3130

(i) The offender is convicted of or pleads guilty to a 3131
specification of the type described in section 2941.149 of the 3132
Revised Code that the offender is a repeat violent offender. 3133

(ii) The offender within the preceding twenty years has 3134
been convicted of or pleaded guilty to three or more offenses 3135
described in division (CC)(1) of section 2929.01 of the Revised 3136
Code, including all offenses described in that division of which 3137
the offender is convicted or to which the offender pleads guilty 3138
in the current prosecution and all offenses described in that 3139
division of which the offender previously has been convicted or 3140
to which the offender previously pleaded guilty, whether 3141
prosecuted together or separately. 3142

(iii) The offense or offenses of which the offender 3143
currently is convicted or to which the offender currently pleads 3144
guilty is aggravated murder and the court does not impose a 3145
sentence of death or life imprisonment without parole, murder, 3146
terrorism and the court does not impose a sentence of life 3147
imprisonment without parole, any felony of the first degree that 3148
is an offense of violence and the court does not impose a 3149
sentence of life imprisonment without parole, or any felony of 3150
the second degree that is an offense of violence and the trier 3151
of fact finds that the offense involved an attempt to cause or a 3152
threat to cause serious physical harm to a person or resulted in 3153
serious physical harm to a person. 3154

(c) For purposes of division (B)(2)(b) of this section, 3155

two or more offenses committed at the same time or as part of 3156
the same act or event shall be considered one offense, and that 3157
one offense shall be the offense with the greatest penalty. 3158

(d) A sentence imposed under division (B) (2) (a) or (b) of 3159
this section shall not be reduced pursuant to section 2929.20, 3160
section 2967.19, or section 2967.193, or any other provision of 3161
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3162
shall serve an additional prison term imposed under this section 3163
consecutively to and prior to the prison term imposed for the 3164
underlying offense. 3165

(e) When imposing a sentence pursuant to division (B) (2) 3166
(a) or (b) of this section, the court shall state its findings 3167
explaining the imposed sentence. 3168

(3) Except when an offender commits a violation of section 3169
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3170
for the violation is life imprisonment or commits a violation of 3171
section 2903.02 of the Revised Code, if the offender commits a 3172
violation of section 2925.03 or 2925.11 of the Revised Code and 3173
that section classifies the offender as a major drug offender, 3174
if the offender commits a felony violation of section 2925.02, 3175
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 3176
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 3177
division (E) of section 4729.51, or division (J) of section 3178
4729.54 of the Revised Code that includes the sale, offer to 3179
sell, or possession of a schedule I or II controlled substance, 3180
with the exception of marihuana and any compound, mixture, 3181
preparation, or substance containing a detectable amount of 3182
marihuana, and the court imposing sentence upon the offender 3183
finds that the offender is guilty of a specification of the type 3184
described in section 2941.1410 of the Revised Code charging that 3185

the offender is a major drug offender, if the court imposing 3186
sentence upon an offender for a felony finds that the offender 3187
is guilty of corrupt activity with the most serious offense in 3188
the pattern of corrupt activity being a felony of the first 3189
degree, or if the offender is guilty of an attempted violation 3190
of section 2907.02 of the Revised Code and, had the offender 3191
completed the violation of section 2907.02 of the Revised Code 3192
that was attempted, the offender would have been subject to a 3193
sentence of life imprisonment or life imprisonment without 3194
parole for the violation of section 2907.02 of the Revised Code, 3195
the court shall impose upon the offender for the felony 3196
violation a mandatory prison term of the maximum prison term 3197
prescribed for a felony of the first degree that, subject to 3198
divisions (C) to (I) of section 2967.19 of the Revised Code, 3199
cannot be reduced pursuant to section 2929.20, section 2967.19, 3200
or any other provision of Chapter 2967. or 5120. of the Revised 3201
Code. 3202

(4) If the offender is being sentenced for a third or 3203
fourth degree felony OVI offense under division (G) (2) of 3204
section 2929.13 of the Revised Code, the sentencing court shall 3205
impose upon the offender a mandatory prison term in accordance 3206
with that division. In addition to the mandatory prison term, if 3207
the offender is being sentenced for a fourth degree felony OVI 3208
offense, the court, notwithstanding division (A) (4) of this 3209
section, may sentence the offender to a definite prison term of 3210
not less than six months and not more than thirty months, and if 3211
the offender is being sentenced for a third degree felony OVI 3212
offense, the sentencing court may sentence the offender to an 3213
additional prison term of any duration specified in division (A) 3214
(3) of this section. In either case, the additional prison term 3215
imposed shall be reduced by the sixty or one hundred twenty days 3216

imposed upon the offender as the mandatory prison term. The 3217
total of the additional prison term imposed under division (B) 3218
(4) of this section plus the sixty or one hundred twenty days 3219
imposed as the mandatory prison term shall equal a definite term 3220
in the range of six months to thirty months for a fourth degree 3221
felony OVI offense and shall equal one of the authorized prison 3222
terms specified in division (A) (3) of this section for a third 3223
degree felony OVI offense. If the court imposes an additional 3224
prison term under division (B) (4) of this section, the offender 3225
shall serve the additional prison term after the offender has 3226
served the mandatory prison term required for the offense. In 3227
addition to the mandatory prison term or mandatory and 3228
additional prison term imposed as described in division (B) (4) 3229
of this section, the court also may sentence the offender to a 3230
community control sanction under section 2929.16 or 2929.17 of 3231
the Revised Code, but the offender shall serve all of the prison 3232
terms so imposed prior to serving the community control 3233
sanction. 3234

If the offender is being sentenced for a fourth degree 3235
felony OVI offense under division (G) (1) of section 2929.13 of 3236
the Revised Code and the court imposes a mandatory term of local 3237
incarceration, the court may impose a prison term as described 3238
in division (A) (1) of that section. 3239

(5) If an offender is convicted of or pleads guilty to a 3240
violation of division (A) (1) or (2) of section 2903.06 of the 3241
Revised Code and also is convicted of or pleads guilty to a 3242
specification of the type described in section 2941.1414 of the 3243
Revised Code that charges that the victim of the offense is a 3244
peace officer, as defined in section 2935.01 of the Revised 3245
Code, or an investigator of the bureau of criminal 3246
identification and investigation, as defined in section 2903.11 3247

of the Revised Code, the court shall impose on the offender a 3248
prison term of five years. If a court imposes a prison term on 3249
an offender under division (B) (5) of this section, the prison 3250
term, subject to divisions (C) to (I) of section 2967.19 of the 3251
Revised Code, shall not be reduced pursuant to section 2929.20, 3252
section 2967.19, section 2967.193, or any other provision of 3253
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3254
shall not impose more than one prison term on an offender under 3255
division (B) (5) of this section for felonies committed as part 3256
of the same act. 3257

(6) If an offender is convicted of or pleads guilty to a 3258
violation of division (A) (1) or (2) of section 2903.06 of the 3259
Revised Code and also is convicted of or pleads guilty to a 3260
specification of the type described in section 2941.1415 of the 3261
Revised Code that charges that the offender previously has been 3262
convicted of or pleaded guilty to three or more violations of 3263
division (A) or (B) of section 4511.19 of the Revised Code or an 3264
equivalent offense, as defined in section 2941.1415 of the 3265
Revised Code, or three or more violations of any combination of 3266
those divisions and offenses, the court shall impose on the 3267
offender a prison term of three years. If a court imposes a 3268
prison term on an offender under division (B) (6) of this 3269
section, the prison term, subject to divisions (C) to (I) of 3270
section 2967.19 of the Revised Code, shall not be reduced 3271
pursuant to section 2929.20, section 2967.19, section 2967.193, 3272
or any other provision of Chapter 2967. or Chapter 5120. of the 3273
Revised Code. A court shall not impose more than one prison term 3274
on an offender under division (B) (6) of this section for 3275
felonies committed as part of the same act. 3276

(7) (a) If an offender is convicted of or pleads guilty to 3277
a felony violation of section 2905.01, 2905.02, 2907.21, 3278

2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 3279
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 3280
the Revised Code and also is convicted of or pleads guilty to a 3281
specification of the type described in section 2941.1422 of the 3282
Revised Code that charges that the offender knowingly committed 3283
the offense in furtherance of human trafficking, the court shall 3284
impose on the offender a mandatory prison term that is one of 3285
the following: 3286

(i) If the offense is a felony of the first degree, a 3287
definite prison term of not less than five years and not greater 3288
than ten years; 3289

(ii) If the offense is a felony of the second or third 3290
degree, a definite prison term of not less than three years and 3291
not greater than the maximum prison term allowed for the offense 3292
by division (A) of section 2929.14 of the Revised Code; 3293

(iii) If the offense is a felony of the fourth or fifth 3294
degree, a definite prison term that is the maximum prison term 3295
allowed for the offense by division (A) of section 2929.14 of 3296
the Revised Code. 3297

(b) Subject to divisions (C) to (I) of section 2967.19 of 3298
the Revised Code, the prison term imposed under division (B) (7) 3299
(a) of this section shall not be reduced pursuant to section 3300
2929.20, section 2967.19, section 2967.193, or any other 3301
provision of Chapter 2967. of the Revised Code. A court shall 3302
not impose more than one prison term on an offender under 3303
division (B) (7) (a) of this section for felonies committed as 3304
part of the same act, scheme, or plan. 3305

(8) If an offender is convicted of or pleads guilty to a 3306
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3307

Revised Code and also is convicted of or pleads guilty to a 3308
specification of the type described in section 2941.1423 of the 3309
Revised Code that charges that the victim of the violation was a 3310
woman whom the offender knew was pregnant at the time of the 3311
violation, notwithstanding the range of prison terms prescribed 3312
in division (A) of this section for felonies of the same degree 3313
as the violation, the court shall impose on the offender a 3314
mandatory prison term that is either a definite prison term of 3315
six months or one of the prison terms prescribed in section 3316
2929.14 of the Revised Code for felonies of the same degree as 3317
the violation. 3318

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3319
if a mandatory prison term is imposed upon an offender pursuant 3320
to division (B) (1) (a) of this section for having a firearm on or 3321
about the offender's person or under the offender's control 3322
while committing a felony, if a mandatory prison term is imposed 3323
upon an offender pursuant to division (B) (1) (c) of this section 3324
for committing a felony specified in that division by 3325
discharging a firearm from a motor vehicle, or if both types of 3326
mandatory prison terms are imposed, the offender shall serve any 3327
mandatory prison term imposed under either division 3328
consecutively to any other mandatory prison term imposed under 3329
either division or under division (B) (1) (d) of this section, 3330
consecutively to and prior to any prison term imposed for the 3331
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3332
this section or any other section of the Revised Code, and 3333
consecutively to any other prison term or mandatory prison term 3334
previously or subsequently imposed upon the offender. 3335

(b) If a mandatory prison term is imposed upon an offender 3336
pursuant to division (B) (1) (d) of this section for wearing or 3337
carrying body armor while committing an offense of violence that 3338

is a felony, the offender shall serve the mandatory term so 3339
imposed consecutively to any other mandatory prison term imposed 3340
under that division or under division (B) (1) (a) or (c) of this 3341
section, consecutively to and prior to any prison term imposed 3342
for the underlying felony under division (A), (B) (2), or (B) (3) 3343
of this section or any other section of the Revised Code, and 3344
consecutively to any other prison term or mandatory prison term 3345
previously or subsequently imposed upon the offender. 3346

(c) If a mandatory prison term is imposed upon an offender 3347
pursuant to division (B) (1) (f) of this section, the offender 3348
shall serve the mandatory prison term so imposed consecutively 3349
to and prior to any prison term imposed for the underlying 3350
felony under division (A), (B) (2), or (B) (3) of this section or 3351
any other section of the Revised Code, and consecutively to any 3352
other prison term or mandatory prison term previously or 3353
subsequently imposed upon the offender. 3354

(d) If a mandatory prison term is imposed upon an offender 3355
pursuant to division (B) (7) or (8) of this section, the offender 3356
shall serve the mandatory prison term so imposed consecutively 3357
to any other mandatory prison term imposed under that division 3358
or under any other provision of law and consecutively to any 3359
other prison term or mandatory prison term previously or 3360
subsequently imposed upon the offender. 3361

(2) If an offender who is an inmate in a jail, prison, or 3362
other residential detention facility violates section 2917.02, 3363
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3364
(2) of section 2921.34 of the Revised Code, if an offender who 3365
is under detention at a detention facility commits a felony 3366
violation of section 2923.131 of the Revised Code, or if an 3367
offender who is an inmate in a jail, prison, or other 3368

residential detention facility or is under detention at a 3369
detention facility commits another felony while the offender is 3370
an escapee in violation of division (A) (1) or (2) of section 3371
2921.34 of the Revised Code, any prison term imposed upon the 3372
offender for one of those violations shall be served by the 3373
offender consecutively to the prison term or term of 3374
imprisonment the offender was serving when the offender 3375
committed that offense and to any other prison term previously 3376
or subsequently imposed upon the offender. 3377

(3) If a prison term is imposed for a violation of 3378
division (B) of section 2911.01 of the Revised Code, a violation 3379
of division (A) of section 2913.02 of the Revised Code in which 3380
the stolen property is a firearm or dangerous ordnance, or a 3381
felony violation of division (B) of section 2921.331 of the 3382
Revised Code, the offender shall serve that prison term 3383
consecutively to any other prison term or mandatory prison term 3384
previously or subsequently imposed upon the offender. 3385

(4) If multiple prison terms are imposed on an offender 3386
for convictions of multiple offenses, the court may require the 3387
offender to serve the prison terms consecutively if the court 3388
finds that the consecutive service is necessary to protect the 3389
public from future crime or to punish the offender and that 3390
consecutive sentences are not disproportionate to the 3391
seriousness of the offender's conduct and to the danger the 3392
offender poses to the public, and if the court also finds any of 3393
the following: 3394

(a) The offender committed one or more of the multiple 3395
offenses while the offender was awaiting trial or sentencing, 3396
was under a sanction imposed pursuant to section 2929.16, 3397
2929.17, or 2929.18 of the Revised Code, or was under post- 3398

release control for a prior offense. 3399

(b) At least two of the multiple offenses were committed 3400
as part of one or more courses of conduct, and the harm caused 3401
by two or more of the multiple offenses so committed was so 3402
great or unusual that no single prison term for any of the 3403
offenses committed as part of any of the courses of conduct 3404
adequately reflects the seriousness of the offender's conduct. 3405

(c) The offender's history of criminal conduct 3406
demonstrates that consecutive sentences are necessary to protect 3407
the public from future crime by the offender. 3408

(5) If a mandatory prison term is imposed upon an offender 3409
pursuant to division (B) (5) or (6) of this section, the offender 3410
shall serve the mandatory prison term consecutively to and prior 3411
to any prison term imposed for the underlying violation of 3412
division (A) (1) or (2) of section 2903.06 of the Revised Code 3413
pursuant to division (A) of this section or section 2929.142 of 3414
the Revised Code. If a mandatory prison term is imposed upon an 3415
offender pursuant to division (B) (5) of this section, and if a 3416
mandatory prison term also is imposed upon the offender pursuant 3417
to division (B) (6) of this section in relation to the same 3418
violation, the offender shall serve the mandatory prison term 3419
imposed pursuant to division (B) (5) of this section 3420
consecutively to and prior to the mandatory prison term imposed 3421
pursuant to division (B) (6) of this section and consecutively to 3422
and prior to any prison term imposed for the underlying 3423
violation of division (A) (1) or (2) of section 2903.06 of the 3424
Revised Code pursuant to division (A) of this section or section 3425
2929.142 of the Revised Code. 3426

(6) When consecutive prison terms are imposed pursuant to 3427
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 3428

of this section, the term to be served is the aggregate of all 3429
of the terms so imposed. 3430

(D) (1) If a court imposes a prison term for a felony of 3431
the first degree, for a felony of the second degree, for a 3432
felony sex offense, or for a felony of the third degree that is 3433
not a felony sex offense and in the commission of which the 3434
offender caused or threatened to cause physical harm to a 3435
person, it shall include in the sentence a requirement that the 3436
offender be subject to a period of post-release control after 3437
the offender's release from imprisonment, in accordance with 3438
that division. If a court imposes a sentence including a prison 3439
term of a type described in this division on or after July 11, 3440
2006, the failure of a court to include a post-release control 3441
requirement in the sentence pursuant to this division does not 3442
negate, limit, or otherwise affect the mandatory period of post- 3443
release control that is required for the offender under division 3444
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3445
the Revised Code applies if, prior to July 11, 2006, a court 3446
imposed a sentence including a prison term of a type described 3447
in this division and failed to include in the sentence pursuant 3448
to this division a statement regarding post-release control. 3449

(2) If a court imposes a prison term for a felony of the 3450
third, fourth, or fifth degree that is not subject to division 3451
(D) (1) of this section, it shall include in the sentence a 3452
requirement that the offender be subject to a period of post- 3453
release control after the offender's release from imprisonment, 3454
in accordance with that division, if the parole board determines 3455
that a period of post-release control is necessary. Section 3456
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3457
a court imposed a sentence including a prison term of a type 3458
described in this division and failed to include in the sentence 3459

pursuant to this division a statement regarding post-release control. 3460
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(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply: 3462
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(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator. 3468
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(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code. 3472
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(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 3480
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(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code. 3484
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(5) A person is convicted of or pleads guilty to 3489
aggravated murder committed on or after January 1, 2008, and 3490
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3491
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3492
(d) of section 2929.03, or division (A) or (B) of section 3493
2929.06 of the Revised Code requires the court to sentence the 3494
offender pursuant to division (B) (3) of section 2971.03 of the 3495
Revised Code. 3496

(6) A person is convicted of or pleads guilty to murder 3497
committed on or after January 1, 2008, and division (B) (2) of 3498
section 2929.02 of the Revised Code requires the court to 3499
sentence the offender pursuant to section 2971.03 of the Revised 3500
Code. 3501

(F) If a person who has been convicted of or pleaded 3502
guilty to a felony is sentenced to a prison term or term of 3503
imprisonment under this section, sections 2929.02 to 2929.06 of 3504
the Revised Code, section 2929.142 of the Revised Code, section 3505
2971.03 of the Revised Code, or any other provision of law, 3506
section 5120.163 of the Revised Code applies regarding the 3507
person while the person is confined in a state correctional 3508
institution. 3509

(G) If an offender who is convicted of or pleads guilty to 3510
a felony that is an offense of violence also is convicted of or 3511
pleads guilty to a specification of the type described in 3512
section 2941.142 of the Revised Code that charges the offender 3513
with having committed the felony while participating in a 3514
criminal gang, the court shall impose upon the offender an 3515
additional prison term of one, two, or three years. 3516

(H) (1) If an offender who is convicted of or pleads guilty 3517
to aggravated murder, murder, or a felony of the first, second, 3518

or third degree that is an offense of violence also is convicted 3519
of or pleads guilty to a specification of the type described in 3520
section 2941.143 of the Revised Code that charges the offender 3521
with having committed the offense in a school safety zone or 3522
towards a person in a school safety zone, the court shall impose 3523
upon the offender an additional prison term of two years. The 3524
offender shall serve the additional two years consecutively to 3525
and prior to the prison term imposed for the underlying offense. 3526

(2) (a) If an offender is convicted of or pleads guilty to 3527
a felony violation of section 2907.22, 2907.24, 2907.241, or 3528
2907.25 of the Revised Code and to a specification of the type 3529
described in section 2941.1421 of the Revised Code and if the 3530
court imposes a prison term on the offender for the felony 3531
violation, the court may impose upon the offender an additional 3532
prison term as follows: 3533

(i) Subject to division (H) (2) (a) (ii) of this section, an 3534
additional prison term of one, two, three, four, five, or six 3535
months; 3536

(ii) If the offender previously has been convicted of or 3537
pleaded guilty to one or more felony or misdemeanor violations 3538
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3539
the Revised Code and also was convicted of or pleaded guilty to 3540
a specification of the type described in section 2941.1421 of 3541
the Revised Code regarding one or more of those violations, an 3542
additional prison term of one, two, three, four, five, six, 3543
seven, eight, nine, ten, eleven, or twelve months. 3544

(b) In lieu of imposing an additional prison term under 3545
division (H) (2) (a) of this section, the court may directly 3546
impose on the offender a sanction that requires the offender to 3547
wear a real-time processing, continual tracking electronic 3548

monitoring device during the period of time specified by the 3549
court. The period of time specified by the court shall equal the 3550
duration of an additional prison term that the court could have 3551
imposed upon the offender under division (H) (2) (a) of this 3552
section. A sanction imposed under this division shall commence 3553
on the date specified by the court, provided that the sanction 3554
shall not commence until after the offender has served the 3555
prison term imposed for the felony violation of section 2907.22, 3556
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3557
residential sanction imposed for the violation under section 3558
2929.16 of the Revised Code. A sanction imposed under this 3559
division shall be considered to be a community control sanction 3560
for purposes of section 2929.15 of the Revised Code, and all 3561
provisions of the Revised Code that pertain to community control 3562
sanctions shall apply to a sanction imposed under this division, 3563
except to the extent that they would by their nature be clearly 3564
inapplicable. The offender shall pay all costs associated with a 3565
sanction imposed under this division, including the cost of the 3566
use of the monitoring device. 3567

(I) At the time of sentencing, the court may recommend the 3568
offender for placement in a program of shock incarceration under 3569
section 5120.031 of the Revised Code or for placement in an 3570
intensive program prison under section 5120.032 of the Revised 3571
Code, disapprove placement of the offender in a program of shock 3572
incarceration or an intensive program prison of that nature, or 3573
make no recommendation on placement of the offender. In no case 3574
shall the department of rehabilitation and correction place the 3575
offender in a program or prison of that nature unless the 3576
department determines as specified in section 5120.031 or 3577
5120.032 of the Revised Code, whichever is applicable, that the 3578
offender is eligible for the placement. 3579

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the

notice to disapprove the placement. 3610

(J) If a person is convicted of or pleads guilty to 3611
aggravated vehicular homicide in violation of division (A) (1) of 3612
section 2903.06 of the Revised Code and division (B) (2) (c) of 3613
that section applies, the person shall be sentenced pursuant to 3614
section 2929.142 of the Revised Code. 3615

(K) (1) The court shall impose an additional mandatory 3616
prison term of two, three, four, five, six, seven, eight, nine, 3617
ten, or eleven years on an offender who is convicted of or 3618
pleads guilty to a violent felony offense if the offender also 3619
is convicted of or pleads guilty to a specification of the type 3620
described in section 2941.1424 of the Revised Code that charges 3621
that the offender is a violent career criminal and had a firearm 3622
on or about the offender's person or under the offender's 3623
control while committing the presently charged violent felony 3624
offense and displayed or brandished the firearm, indicated that 3625
the offender possessed a firearm, or used the firearm to 3626
facilitate the offense. The offender shall serve the prison term 3627
imposed under this division consecutively to and prior to the 3628
prison term imposed for the underlying offense. The prison term 3629
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3630
any other provision of Chapter 2967. or 5120. of the Revised 3631
Code. A court may not impose more than one sentence under 3632
division (B) (2) (a) of this section and this division for acts 3633
committed as part of the same act or transaction. 3634

(2) As used in division (K) (1) of this section, "violent 3635
career criminal" and "violent felony offense" have the same 3636
meanings as in section 2923.132 of the Revised Code. 3637

Sec. 3719.99. (A) Whoever violates section 3719.16 or 3638
3719.161 of the Revised Code is guilty of a felony of the fifth 3639

degree. If the offender previously has been convicted of a 3640
violation of section 3719.16 or 3719.161 of the Revised Code or 3641
a drug abuse offense, a violation of section 3719.16 or 3719.161 3642
of the Revised Code is a felony of the fourth degree. If the 3643
violation involves the sale, offer to sell, or possession of a 3644
schedule I or II controlled substance, with the exception of 3645
marihuana and any compound, mixture, preparation, or substance 3646
containing a detectable amount of marihuana, and if the 3647
offender, as a result of the violation, is a major drug 3648
offender, division (D) of this section applies. 3649

(B) Whoever violates division (C) or (D) of section 3650
3719.172 of the Revised Code is guilty of a felony of the fifth 3651
degree. If the offender previously has been convicted of a 3652
violation of division (C) or (D) of section 3719.172 of the 3653
Revised Code or a drug abuse offense, a violation of division 3654
(C) or (D) of section 3719.172 of the Revised Code is a felony 3655
of the fourth degree. If the violation involves the sale, offer 3656
to sell, or possession of a schedule I or II controlled 3657
substance, with the exception of marihuana and any compound, 3658
mixture, preparation, or substance containing a detectable 3659
amount of marihuana, and if the offender, as a result of the 3660
violation, is a major drug offender, division (D) of this 3661
section applies. 3662

(C) Whoever violates section 3719.07 or 3719.08 of the 3663
Revised Code is guilty of a misdemeanor of the first degree. If 3664
the offender previously has been convicted of a violation of 3665
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 3666
offense, a violation of section 3719.07 or 3719.08 of the 3667
Revised Code is a felony of the fifth degree. If the violation 3668
involves the sale, offer to sell, or possession of a schedule I 3669
or II controlled substance, with the exception of marihuana and 3670

any compound, mixture, preparation, or substance containing a 3671
detectable amount of marihuana, and if the offender, as a result 3672
of the violation, is a major drug offender, division (D) of this 3673
section applies. 3674

(D) (1) If an offender is convicted of or pleads guilty to 3675
a felony violation of section 3719.07, 3719.08, 3719.16, or 3676
3719.161 or of division (C) or (D) of section 3719.172 of the 3677
Revised Code, if the violation involves the sale, offer to sell, 3678
or possession of a schedule I or II controlled substance, with 3679
the exception of marihuana and any compound, mixture, 3680
preparation, or substance containing a detectable amount of 3681
marihuana, and if the court imposing sentence upon the offender 3682
finds that the offender as a result of the violation is a major 3683
drug offender and is guilty of a specification of the type 3684
described in section 2941.1410 of the Revised Code, the court, 3685
in lieu of the prison term authorized or required by division 3686
(A), (B), or (C) of this section and sections 2929.13 and 3687
2929.14 of the Revised Code and in addition to any other 3688
sanction imposed for the offense under sections 2929.11 to 3689
2929.18 of the Revised Code, shall impose upon the offender, in 3690
accordance with division (B) (3) (a) of section 2929.14 of the 3691
Revised Code, the mandatory prison term specified in that 3692
division and may impose an additional prison term under division 3693
(B) (3) (b) of that section. 3694

(2) Notwithstanding any contrary provision of section 3695
3719.21 of the Revised Code, the clerk of the court shall pay 3696
any fine imposed for a felony violation of section 3719.07, 3697
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 3698
section 3719.172 of the Revised Code pursuant to division (A) of 3699
section 2929.18 of the Revised Code in accordance with and 3700
subject to the requirements of division (F) of section 2925.03 3701

of the Revised Code. The agency that receives the fine shall use 3702
the fine as specified in division (F) of section 2925.03 of the 3703
Revised Code. 3704

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3705
3719.31 or division (B) of section 3719.172 of the Revised Code 3706
is guilty of a misdemeanor of the third degree. If the offender 3707
previously has been convicted of a violation of section 3719.05, 3708
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 3709
of the Revised Code or a drug abuse offense, a violation of 3710
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 3711
section 3719.172 of the Revised Code is a misdemeanor of the 3712
first degree. 3713

(F) Whoever violates section 3719.30 of the Revised Code 3714
is guilty of a misdemeanor of the fourth degree. If the offender 3715
previously has been convicted of a violation of section 3719.30 3716
of the Revised Code or a drug abuse offense, a violation of 3717
section 3719.30 of the Revised Code is a misdemeanor of the 3718
third degree. 3719

(G) Whoever violates section 3719.32 or 3719.33 of the 3720
Revised Code is guilty of a minor misdemeanor. 3721

(H) Whoever violates division (K) (2) (b) of section 3719.44 3722
of the Revised Code is guilty of a felony of the fifth degree. 3723

(I) Whoever violates division (K) (2) (c) of section 3719.44 3724
of the Revised Code is guilty of a misdemeanor of the second 3725
degree. 3726

(J) As used in this section, "major drug offender" has the 3727
same meaning as in section 2929.01 of the Revised Code. 3728

Sec. 4729.99. (A) Whoever violates division (H) of section 3729
4729.16, division (G) of section 4729.38, section 4729.57, or 3730

division (F) of section 4729.96 of the Revised Code is guilty of 3731
a minor misdemeanor, unless a different penalty is otherwise 3732
specified in the Revised Code. Each day's violation constitutes 3733
a separate offense. 3734

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 3735
of the Revised Code is guilty of a misdemeanor of the third 3736
degree. Each day's violation constitutes a separate offense. If 3737
the offender previously has been convicted of or pleaded guilty 3738
to a violation of this chapter, that person is guilty of a 3739
misdemeanor of the second degree. 3740

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 3741
of the Revised Code is guilty of a misdemeanor. 3742

(D) Whoever violates division (A), (B), (C), (D), (F), or 3743
(G) of section 4729.51 of the Revised Code is guilty of a 3744
misdemeanor of the first degree. 3745

(E) (1) Whoever violates section 4729.37, division (E) (1) 3746
(b) of section 4729.51, division (J) of section 4729.54, 3747
division (B) or (D) of section 4729.553, or section 4729.61 of 3748
the Revised Code is guilty of a felony of the fifth degree. If 3749
the offender previously has been convicted of or pleaded guilty 3750
to a violation of this chapter or a violation of Chapter 2925. 3751
or 3719. of the Revised Code, that person is guilty of a felony 3752
of the fourth degree. 3753

(2) If an offender is convicted of or pleads guilty to a 3754
violation of section 4729.37, division (E) of section 4729.51, 3755
division (J) of section 4729.54, or section 4729.61 of the 3756
Revised Code, if the violation involves the sale, offer to sell, 3757
or possession of a schedule I or II controlled substance, with 3758
the exception of marihuana and any compound, mixture, 3759

preparation, or substance containing a detectable amount of 3760
marihuana, and if the court imposing sentence upon the offender 3761
finds that the offender as a result of the violation is a major 3762
drug offender, as defined in section 2929.01 of the Revised 3763
Code, and is guilty of a specification of the type described in 3764
section 2941.1410 of the Revised Code, the court, in lieu of the 3765
prison term authorized or required by division (E) (1) of this 3766
section and sections 2929.13 and 2929.14 of the Revised Code and 3767
in addition to any other sanction imposed for the offense under 3768
sections 2929.11 to 2929.18 of the Revised Code, shall impose 3769
upon the offender, in accordance with division (B) (3) of section 3770
2929.14 of the Revised Code, the mandatory prison term specified 3771
in that division. 3772

(3) Notwithstanding any contrary provision of section 3773
3719.21 of the Revised Code, the clerk of court shall pay any 3774
fine imposed for a violation of section 4729.37, division (E) of 3775
section 4729.51, division (J) of section 4729.54, or section 3776
4729.61 of the Revised Code pursuant to division (A) of section 3777
2929.18 of the Revised Code in accordance with and subject to 3778
the requirements of division (F) of section 2925.03 of the 3779
Revised Code. The agency that receives the fine shall use the 3780
fine as specified in division (F) of section 2925.03 of the 3781
Revised Code. 3782

(F) Whoever violates section 4729.531 of the Revised Code 3783
or any rule adopted thereunder or section 4729.532 of the 3784
Revised Code is guilty of a misdemeanor of the first degree. 3785

(G) Whoever violates division (E) (1) (a) of section 4729.51 3786
of the Revised Code is guilty of a felony of the fourth degree. 3787
If the offender has previously been convicted of or pleaded 3788
guilty to a violation of this chapter, or of a violation of 3789

Chapter 2925. or 3719. of the Revised Code, that person is 3790
guilty of a felony of the third degree. 3791

(H) Whoever violates division (E)(1)(c) of section 4729.51 3792
of the Revised Code is guilty of a misdemeanor of the first 3793
degree. If the offender has previously been convicted of or 3794
pleaded guilty to a violation of this chapter, or of a violation 3795
of Chapter 2925. or 3719. of the Revised Code, that person is 3796
guilty of a felony of the fifth degree. 3797

(I)(1) Whoever violates division (A) of section 4729.95 of 3798
the Revised Code is guilty of unauthorized pharmacy-related drug 3799
conduct. Except as otherwise provided in this section, 3800
unauthorized pharmacy-related drug conduct is a misdemeanor of 3801
the second degree. If the offender previously has been convicted 3802
of or pleaded guilty to a violation of division (A), (B), or (C) 3803
of that section, unauthorized pharmacy-related drug conduct is a 3804
misdemeanor of the first degree on a second offense and a felony 3805
of the fifth degree on a third or subsequent offense. 3806

(2) Whoever violates division (B) or (C) of section 3807
4729.95 of the Revised Code is guilty of permitting unauthorized 3808
pharmacy-related drug conduct. Except as otherwise provided in 3809
this section, permitting unauthorized pharmacy-related drug 3810
conduct is a misdemeanor of the second degree. If the offender 3811
previously has been convicted of or pleaded guilty to a 3812
violation of division (A), (B), or (C) of that section, 3813
permitting unauthorized pharmacy-related drug conduct is a 3814
misdemeanor of the first degree on a second offense and a felony 3815
of the fifth degree on a third or subsequent offense. 3816

(3) Notwithstanding any contrary provision of section 3817
3719.21 of the Revised Code or any other provision of law that 3818
governs the distribution of fines, the clerk of the court shall 3819

pay any fine imposed pursuant to division (I) (1) or (2) of this 3820
section to the state board of pharmacy if the board has adopted 3821
a written internal control policy under division (F) (2) of 3822
section 2925.03 of the Revised Code that addresses fine moneys 3823
that it receives under Chapter 2925. of the Revised Code and if 3824
the policy also addresses fine moneys paid under this division. 3825
The state board of pharmacy shall use the fines so paid in 3826
accordance with the written internal control policy to subsidize 3827
the board's law enforcement efforts that pertain to drug 3828
offenses. 3829

(J) (1) Whoever violates division (A) (1) of section 4729.86 3830
of the Revised Code is guilty of a misdemeanor of the third 3831
degree. If the offender has previously been convicted of or 3832
pleaded guilty to a violation of division (A) (1), (2), or (3) of 3833
section 4729.86 of the Revised Code, that person is guilty of a 3834
misdemeanor of the first degree. 3835

(2) Whoever violates division (A) (2) of section 4729.86 of 3836
the Revised Code is guilty of a misdemeanor of the first degree. 3837
If the offender has previously been convicted of or pleaded 3838
guilty to a violation of division (A) (1), (2), or (3) of section 3839
4729.86 of the Revised Code, that person is guilty of a felony 3840
of the fifth degree. 3841

(3) Whoever violates division (A) (3) of section 4729.86 of 3842
the Revised Code is guilty of a felony of the fifth degree. If 3843
the offender has previously been convicted of or pleaded guilty 3844
to a violation of division (A) (1), (2), or (3) of section 3845
4729.86 of the Revised Code, that person is guilty of a felony 3846
of the fourth degree. 3847

(K) A person who violates division (C) of section 4729.552 3848
of the Revised Code is guilty of a misdemeanor of the first 3849

degree. If the person previously has been convicted of or 3850
pleaded guilty to a violation of division (C) of section 3851
4729.552 of the Revised Code, that person is guilty of a felony 3852
of the fifth degree. 3853

Section 2. That existing sections 2925.02, 2925.03, 3854
2925.04, 2925.05, 2925.11, 2925.12, 2925.14, 2925.141, 2925.22, 3855
2925.23, 2925.36, 2925.51, 2929.14, 3719.99, and 4729.99 of the 3856
Revised Code are hereby repealed. 3857

Section 3. Section 2925.03 of the Revised Code is 3858
presented in this act as a composite of the section as amended 3859
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 3860
131st General Assembly. The General Assembly, applying the 3861
principle stated in division (B) of section 1.52 of the Revised 3862
Code that amendments are to be harmonized if reasonably capable 3863
of simultaneous operation, finds that the composite is the 3864
resulting version of the section in effect prior to the 3865
effective date of the section as presented in this act. 3866

Section 2925.11 of the Revised Code is presented in this 3867
act as a composite of the section as amended by Sub. H.B. 110, 3868
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 3869
The General Assembly, applying the principle stated in division 3870
(B) of section 1.52 of the Revised Code that amendments are to 3871
be harmonized if reasonably capable of simultaneous operation, 3872
finds that the composite is the resulting version of the section 3873
in effect prior to the effective date of the section as 3874
presented in this act. 3875

Section 2929.14 of the Revised Code is presented in this 3876
act as a composite of the section as amended by both Sub. H.B. 3877
470 and Sub. S.B. 319 of the 131st General Assembly. The General 3878
Assembly, applying the principle stated in division (B) of 3879

section 1.52 of the Revised Code that amendments are to be 3880
harmonized if reasonably capable of simultaneous operation, 3881
finds that the composite is the resulting version of the section 3882
in effect prior to the effective date of the section as 3883
presented in this act. 3884

Section 4729.99 of the Revised Code is presented in this 3885
act as a composite of the section as amended by both Sub. H.B. 3886
505 and Sub. S.B. 319 of the 131st General Assembly. The General 3887
Assembly, applying the principle stated in division (B) of 3888
section 1.52 of the Revised Code that amendments are to be 3889
harmonized if reasonably capable of simultaneous operation, 3890
finds that the composite is the resulting version of the section 3891
in effect prior to the effective date of the section as 3892
presented in this act. 3893

Section 4. This act is hereby declared to be an emergency 3894
measure necessary for the immediate preservation of the public 3895
peace, health, and safety. The reason for such necessity is to 3896
ensure that the method for determining the amount of a drug 3897
involved in a drug offense for purposes of sentencing that 3898
applied prior to the Ohio Supreme Court's holding in *State v.* 3899
Gonzales, ___ Ohio St.3d ___, 2016-Ohio-8319, will continue to 3900
be valid. Therefore, this act shall go into immediate effect. 3901