



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

H.B. 296

132nd General Assembly
(As Introduced)

Reps. Gavarone, Wiggam, Riedel, Lipps, R. Smith, Ryan, Sprague, Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton

BILL SUMMARY

- Enhances the penalties for certain drug offenses when committed on the premises or within 1,000 feet of a community addiction services provider, regardless of whether the offender knows the offense is being committed within that vicinity.
 - Sets the new penalty enhancements at the same level as existing penalty enhancements for drug offenses committed in the vicinity of a school or juvenile.
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CONTENT AND OPERATION

Penalty enhancement for drug offenses committed near treatment centers

The bill enhances the penalties for the following drug offenses when committed in the vicinity of a community addiction services provider:¹

- Corrupting another with drugs;
- Aggravated trafficking in drugs;
- Trafficking in drugs;
- Illegal manufacture of drugs;
- Illegal cultivation of marihuana;
- Illegal assembly or possession of chemicals for the manufacture of drugs;

¹ R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.36, and 2925.37.

- Illegal dispensing of drug samples;
- Trafficking in counterfeit controlled substances;
- Promoting and encouraging drug abuse; and
- Fraudulent drug advertising.

The penalty enhancements are equivalent to existing penalty enhancements for the same drug offenses when committed in the vicinity of a school or juvenile. The specific penalties vary according to the particular drug offense, type of controlled substance, and amount of the controlled substance involved. For example, under current law, aggravated trafficking of less than 20 grams of certain Schedule I or Schedule II controlled substances is generally a fourth degree felony, but becomes a third degree felony when committed in the vicinity of a school or juvenile. Under the bill, aggravated trafficking in that amount is also a third degree felony when committed in the vicinity of a community addiction services provider.²

For purposes of the bill, an offense is "committed in the vicinity of a community addiction services provider" if the offender commits the offense on the premises or within 1,000 feet of a community addiction services provider, including a facility licensed to provide methadone treatment, regardless of whether the offender knows the offense is being committed within that vicinity. A "community addiction services provider" is defined in existing law as an organization that provides alcohol and drug addiction services certified by the Department of Mental Health and Addiction Services, gambling addiction services, or recovery supports related to those services.³

HISTORY

ACTION	DATE
Introduced	06-28-17

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² R.C. 2925.03(C)(1)(a) and (b).

³ R.C. 2925.01(LL) and (MM), by reference to R.C. 5119.01, not in the bill.

