



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

H.B. 455

132nd General Assembly
(As Introduced)

Reps. Wiggam, Becker, Hagan, Hambley, Butler, Thompson, Hood, Romanchuk, Kick, Riedel, Roegner, Merrin, Scherer, Antani, Johnson, Koehler, Ginter, Lang, Stein

BILL SUMMARY

- Increases penalties for drug trafficking offenses.
- Specifies that, in determining the amount of cocaine for trafficking offenses, it also includes a compound, mixture, preparation, or substance containing cocaine.
- Entitles the bill the "Drug Trafficking Deterrence Act."

CONTENT AND OPERATION

Trafficking offenses

The bill increases the penalties for a number of drug trafficking offenses.¹ The following table explains the penalty increases in the bill and how those increases compare to current law penalty levels.

Drug trafficking offense penalties			
Drug	Amount trafficked and additional circumstances	Penalty under current law	Penalty under the bill
Schedule I or II drug, that is not marijuana, cocaine, L.S.D., heroin, hashish, or a controlled substance analog	Generally	Fourth degree felony (F4)	F3 with a mandatory prison term in F3 range
	Committed in the vicinity of a school or juvenile	F3	Unspecified – general penalty applies (F3 with a mandatory prison term in F3 range)
	The bulk amount of the	F3 with presumption for	F2 with a mandatory

¹ R.C. 2925.03(C).

Drug trafficking offense penalties			
Drug	Amount trafficked and additional circumstances	Penalty under current law	Penalty under the bill
	drug or more, but less than five times the bulk amount	a prison term; if third or subsequent felony drug abuse offense, mandatory prison term in F3 range	prison term in F2 range; if third or subsequent felony drug abuse offense, F1 with mandatory prison term in F1 range
	The bulk amount of the drug or more, but less than five times the bulk amount, committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range	F1 with mandatory prison term in F1 range
	Five or more, but less than 50 times the bulk amount of the drug	F2 with mandatory prison term in F2 range	F2 with a mandatory prison term in F2 range; F1 with mandatory prison term in F1 range if third or subsequent felony drug abuse offense
	Five or more, but less than 50 times the bulk amount, committed in the vicinity of a school or juvenile	F1 with mandatory prison term in F1 range	Same as current law
	50 or more but less than 100 times the bulk amount	F1 with mandatory prison term in F1 range	Same as current law
	100 or more times the bulk amount	F1 with mandatory maximum prison term and offender is classified as a major drug offender (MDO)	Same as current law
Cocaine	Generally	F5 with presumption against prison	F3 with a mandatory prison term in the F3 range
	Committed in the vicinity of a school or juvenile	F4	F2 with a mandatory prison term in F2 range
	Five or more, but less	F4 with presumption	F2 with mandatory



Drug trafficking offense penalties			
Drug	Amount trafficked and additional circumstances	Penalty under current law	Penalty under the bill
	than ten grams	against prison; F3 with presumption for a prison term if committed in the vicinity of a school or juvenile	prison term in F2 range; F2 with mandatory maximum if committed in the vicinity of a school or juvenile
	Ten or more, but less than 20 grams	F3 with presumption of prison term for the offense; if third or subsequent felony drug abuse offense, mandatory prison term in F3 range; F2 with mandatory prison term in F2 range if committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range; F2 with mandatory maximum term if committed in the vicinity of a school or juvenile; if third or subsequent felony drug abuse offense, F1 with mandatory prison term in F1 range
	20 or more, but less than 27 grams	F2 with mandatory prison term in F2 range; if committed in the vicinity of a school or juvenile, F1 with mandatory prison term in F1 range	F2 with mandatory prison term in F2 range; F2 with mandatory maximum term if committed in the vicinity of a school or juvenile; if third or subsequent felony drug abuse offense, F1 with mandatory prison term in F1 range
	27 or more, but less than 100 grams	F1 with mandatory prison term in F1 range	Same as current law
	100 or more grams	F1 with mandatory maximum prison term and offender is classified as MDO	Same as current law
L.S.D.	Generally	F5 with presumption against prison term	F3 with mandatory prison term in the F3 range
	Committed in the vicinity of a school or juvenile	F4	F2 with mandatory prison term in F2 range
	10 or more unit doses in solid form or one	F4 with presumption against prison term; F3	F2 with mandatory prison term in F2 range;



Drug trafficking offense penalties			
Drug	Amount trafficked and additional circumstances	Penalty under current law	Penalty under the bill
	gram or more in liquid form, but less than 50 unit doses in solid form or five grams in liquid form	with presumption of prison term if committed in the vicinity of a school or juvenile	F2 with mandatory maximum prison term if committed in the vicinity of a school or juvenile
	50 or more unit doses in solid form or five grams or more in liquid form, but less than 250 unit doses in solid form or 25 grams in liquid form	F3 with presumption of prison term; F3 with mandatory prison term if third or subsequent felony drug abuse offense; F2 with mandatory prison term if committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range; F1 with mandatory prison term in F1 range if third or subsequent felony drug abuse offense; F2 with mandatory maximum prison term if committed in the vicinity of a school or juvenile
	250 or more unit doses in solid form or 25 grams or more in liquid form, but less than 1,000 unit doses in solid form or 100 grams in liquid form	F2 with mandatory prison term in F2 range; F1 with mandatory prison term in F1 range if committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range; F1 with mandatory prison term in F1 range if third or subsequent felony drug abuse offense or if committed in the vicinity of a school or juvenile
	1,000 or more unit doses in solid form or 100 grams or more in liquid form, but less than 5,000 unit doses in solid form or 500 grams in liquid form	F1 with mandatory prison term in F1 range	Same as current law
	5,000 or more unit doses in solid form or 500 grams or more in liquid form	F1 with mandatory maximum prison term and offender is classified as MDO	Same as current law
Heroin	Generally	F5 with presumption against prison term	F3 with mandatory prison term in the F3 range
	Committed in the vicinity of a school or juvenile	F4	F2 with mandatory prison term in F2 range



Drug trafficking offense penalties			
Drug	Amount trafficked and additional circumstances	Penalty under current law	Penalty under the bill
	10 unit doses or one gram or more, but less than 50 unit doses or five grams	F4 with presumption against prison term; F3 with presumption for a prison term if committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range; F2 with mandatory maximum prison term if committed in the vicinity of a school or juvenile
	50 unit doses or five grams or more, but less than 100 unit doses or 10 grams	F3 with presumption for a prison term; F2 with presumption for a prison term if committed in the vicinity of a school or juvenile	F1 with mandatory maximum prison term and offender is classified as MDO
	100 unit doses or 10 grams or more, but less than 500 unit doses or 50 grams	F2 with mandatory prison term in F2 range; F1 with mandatory prison term in F1 range if committed in the vicinity of a school or juvenile	F1 with mandatory maximum prison term and offender is classified as MDO
	500 unit doses or 50 grams or more, but less than 1,000 unit doses or 100 grams	F1 with mandatory prison term in F1 range	F1 with mandatory maximum prison term and offender is classified as MDO
	1,000 unit doses or 100 grams or more	F1 with mandatory maximum prison term and offender is classified as MDO	Same as current law
Hashish	Generally	F5 with presumption against prison term	F3 with mandatory prison term in F3 range
	Committed in the vicinity of a school or juvenile	F4 with presumption against prison term	F2 with mandatory prison term in F2 range
	10 or more grams, but less than 50 grams in solid form; two or more grams but less than 10 grams in liquid form	F4 with presumption against prison term; F3 if committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range; F2 with mandatory maximum if committed in the vicinity of a school or juvenile
	50 or more grams, but less than 250 grams in solid form; 10 or more	F3; F2 with presumption of a prison term if committed in the vicinity	F2 with mandatory prison term in F2 range; F2 with mandatory



Drug trafficking offense penalties			
Drug	Amount trafficked and additional circumstances	Penalty under current law	Penalty under the bill
	grams but less than 50 grams in liquid form	of a school or juvenile	maximum if committed in the vicinity of a school or juvenile
	250 or more grams, but less than 1,000 grams in solid form; 50 or more grams but less than 200 grams in liquid form	F3 with presumption of a prison term; F2 with presumption of prison term if committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range; F2 with mandatory maximum if committed in the vicinity of a school or juvenile
	1,000 or more grams, but less than 2,000 grams in solid form; 200 or more grams but less than 400 grams in liquid form	F2 with mandatory prison term of 5, 6, 7, or 8 years; F1 with mandatory maximum prison term if committed in the vicinity of a school or juvenile	F1 with mandatory maximum prison term and offender is classified as MDO
	2,000 or more grams in solid form; 400 or more grams in liquid form	F2 with mandatory maximum prison term; F1 with mandatory maximum prison term if committed in the vicinity of a school or juvenile	F1 with mandatory maximum prison term and offender is classified as MDO
Controlled Substance Analog	Generally	F5	F3 with mandatory prison term in F3 range
	Committed in the vicinity of a school or juvenile	F4	F2 with mandatory prison term in F2 range
	10 or more grams, but less than 20 grams	F4 with presumption against prison term; F3 with presumption for a prison term if committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range; F2 with mandatory maximum prison term if committed in the vicinity of a school or juvenile
	20 or more grams, but less than 30 grams	F3 with presumption for a prison term; F2 with presumption for a prison term if committed in the vicinity of a school or juvenile	F2 with mandatory prison term in F2 range; F2 with mandatory maximum prison term if committed in the vicinity of a school or juvenile
	30 or more grams but	F2 with mandatory	Same as current law



Drug trafficking offense penalties			
Drug	Amount trafficked and additional circumstances	Penalty under current law	Penalty under the bill
	less than 40 grams	prison term in F2 range; F1 with mandatory prison term in F1 range if committed in the vicinity of a school or juvenile	
	40 or more grams but less than 50 grams	F1 with mandatory prison term in F1 range	Same as current law
	50 grams or more	F1 with mandatory maximum prison term and offender is classified as MDO	Same as current law

Title

The bill is entitled the "Drug Trafficking Deterrence Act."²

Trafficking in cocaine

The bill also modifies the wording of the Drug Trafficking Law³ in connection with the penalties for trafficking cocaine. Under current law, unchanged by the bill, a person is guilty of trafficking in cocaine if the drug involved is cocaine or a compound, mixture, preparation, or substance containing cocaine.⁴ However, for sentencing purposes, the amount of the drug involved is stated in terms of grams "of cocaine." The bill removes the words "of cocaine" in connection with the amount involved throughout the drug trafficking statute.⁵

HISTORY

ACTION

DATE

Introduced

12-27-17

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² Section 3.

³ R.C. 2925.03.

⁴ R.C. 2925.03(C)(4).

⁵ R.C. 2925.03(C)(4)(c) through (f).

