

As Introduced

131st General Assembly

Regular Session

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H. B. No. 307

Representative Pelanda

Cosponsors: Representatives Becker, Brenner, Dever, Johnson, G., Hackett

A BILL

To amend sections 2925.02, 2925.03, 2925.04, 1
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 3
2925.31, 2925.32, 2925.33, 2925.36, 2925.37, 4
4510.021, 4510.17, and 4510.31 of the Revised 5
Code to make the suspension of an offender's 6
driver's license for a violation of specified 7
drug offenses discretionary rather than 8
mandatory, to authorize a court to terminate a 9
driver's license suspension imposed for 10
specified drug offenses committed out-of-state, 11
to generally authorize a court to terminate a 12
previously imposed mandatory suspension for 13
specified drug offenses, to provide for the 14
discretionary suspension of an offender's 15
driver's license for possessing nitrous oxide in 16
a motor vehicle, and to make consistent the 17
provisions of law governing the ability of a 18
court to grant limited driving privileges. 19

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

Section 1. That sections 2925.02, 2925.03, 2925.04, 20
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 21
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 2925.36, 22
2925.37, 4510.021, 4510.17, and 4510.31 of the Revised Code be 23
amended to read as follows: 24

Sec. 2925.02. (A) No person shall knowingly do any of the 25
following: 26

(1) By force, threat, or deception, administer to another 27
or induce or cause another to use a controlled substance; 28

(2) By any means, administer or furnish to another or 29
induce or cause another to use a controlled substance with 30
purpose to cause serious physical harm to the other person, or 31
with purpose to cause the other person to become drug dependent; 32

(3) By any means, administer or furnish to another or 33
induce or cause another to use a controlled substance, and 34
thereby cause serious physical harm to the other person, or 35
cause the other person to become drug dependent; 36

(4) By any means, do any of the following: 37

(a) Furnish or administer a controlled substance to a 38
juvenile who is at least two years the offender's junior, when 39
the offender knows the age of the juvenile or is reckless in 40
that regard; 41

(b) Induce or cause a juvenile who is at least two years 42
the offender's junior to use a controlled substance, when the 43
offender knows the age of the juvenile or is reckless in that 44
regard; 45

(c) Induce or cause a juvenile who is at least two years 46
the offender's junior to commit a felony drug abuse offense, 47

when the offender knows the age of the juvenile or is reckless 48
in that regard; 49

(d) Use a juvenile, whether or not the offender knows the 50
age of the juvenile, to perform any surveillance activity that 51
is intended to prevent the detection of the offender or any 52
other person in the commission of a felony drug abuse offense or 53
to prevent the arrest of the offender or any other person for 54
the commission of a felony drug abuse offense. 55

(5) By any means, furnish or administer a controlled 56
substance to a pregnant woman or induce or cause a pregnant 57
woman to use a controlled substance, when the offender knows 58
that the woman is pregnant or is reckless in that regard. 59

(B) Division (A) (1), (3), (4), or (5) of this section does 60
not apply to manufacturers, wholesalers, licensed health 61
professionals authorized to prescribe drugs, pharmacists, owners 62
of pharmacies, and other persons whose conduct is in accordance 63
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 64
4741. of the Revised Code. 65

(C) Whoever violates this section is guilty of corrupting 66
another with drugs. The penalty for the offense shall be 67
determined as follows: 68

(1) If the offense is a violation of division (A) (1), (2), 69
(3), or (4) of this section and the drug involved is any 70
compound, mixture, preparation, or substance included in 71
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 72
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 73
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 74
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 75
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 76

offender shall be punished as follows: 77

(a) Except as otherwise provided in division (C) (1) (b) of 78
this section, corrupting another with drugs committed in those 79
circumstances is a felony of the second degree and, subject to 80
division (E) of this section, the court shall impose as a 81
mandatory prison term one of the prison terms prescribed for a 82
felony of the second degree. 83

(b) If the offense was committed in the vicinity of a 84
school, corrupting another with drugs committed in those 85
circumstances is a felony of the first degree, and, subject to 86
division (E) of this section, the court shall impose as a 87
mandatory prison term one of the prison terms prescribed for a 88
felony of the first degree. 89

(2) If the offense is a violation of division (A) (1), (2), 90
(3), or (4) of this section and the drug involved is any 91
compound, mixture, preparation, or substance included in 92
schedule III, IV, or V, the offender shall be punished as 93
follows: 94

(a) Except as otherwise provided in division (C) (2) (b) of 95
this section, corrupting another with drugs committed in those 96
circumstances is a felony of the second degree and there is a 97
presumption for a prison term for the offense. 98

(b) If the offense was committed in the vicinity of a 99
school, corrupting another with drugs committed in those 100
circumstances is a felony of the second degree and the court 101
shall impose as a mandatory prison term one of the prison terms 102
prescribed for a felony of the second degree. 103

(3) If the offense is a violation of division (A) (1), (2), 104
(3), or (4) of this section and the drug involved is marihuana, 105

1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 106
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 107
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 108
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 109
offender shall be punished as follows: 110

(a) Except as otherwise provided in division (C) (3) (b) of 111
this section, corrupting another with drugs committed in those 112
circumstances is a felony of the fourth degree and division (C) 113
of section 2929.13 of the Revised Code applies in determining 114
whether to impose a prison term on the offender. 115

(b) If the offense was committed in the vicinity of a 116
school, corrupting another with drugs committed in those 117
circumstances is a felony of the third degree and division (C) 118
of section 2929.13 of the Revised Code applies in determining 119
whether to impose a prison term on the offender. 120

(4) If the offense is a violation of division (A) (5) of 121
this section and the drug involved is any compound, mixture, 122
preparation, or substance included in schedule I or II, with the 123
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 124
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 125
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 126
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 127
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 128
felony of the first degree and, subject to division (E) of this 129
section, the court shall impose as a mandatory prison term one 130
of the prison terms prescribed for a felony of the first degree. 131

(5) If the offense is a violation of division (A) (5) of 132
this section and the drug involved is any compound, mixture, 133
preparation, or substance included in schedule III, IV, or V, 134
corrupting another with drugs is a felony of the second degree 135

and the court shall impose as a mandatory prison term one of the 136
prison terms prescribed for a felony of the second degree. 137

(6) If the offense is a violation of division (A) (5) of 138
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 139
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 140
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 141
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 142
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 143
corrupting another with drugs is a felony of the third degree 144
and division (C) of section 2929.13 of the Revised Code applies 145
in determining whether to impose a prison term on the offender. 146

(D) In addition to any prison term authorized or required 147
by division (C) or (E) of this section and sections 2929.13 and 148
2929.14 of the Revised Code and in addition to any other 149
sanction imposed for the offense under this section or sections 150
2929.11 to 2929.18 of the Revised Code, the court that sentences 151
an offender who is convicted of or pleads guilty to a violation 152
of division (A) of this section ~~or the clerk of that court may~~ 153
suspend for not more than five years the offender's driver's or 154
commercial driver's license or permit and, if applicable, shall 155
do all of the following that are applicable regarding the 156
offender: 157

(1) (a) If the violation is a felony of the first, second, 158
or third degree, the court shall impose upon the offender the 159
mandatory fine specified for the offense under division (B) (1) 160
of section 2929.18 of the Revised Code unless, as specified in 161
that division, the court determines that the offender is 162
indigent. 163

(b) Notwithstanding any contrary provision of section 164
3719.21 of the Revised Code, any mandatory fine imposed pursuant 165

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

(c) If a person is charged with any violation of this 172
section that is a felony of the first, second, or third degree, 173
posts bail, and forfeits the bail, the forfeited bail shall be 174
paid by the clerk of the court pursuant to division (D) (1) (b) of 175
this section as if it were a fine imposed for a violation of 176
this section. 177

~~(2) The court shall suspend for not less than six months 178
nor more than five years the offender's driver's or commercial 179
driver's license or permit. If an offender's driver's or 180
commercial driver's license or permit is suspended pursuant to 181
this division, the offender, at any time after the expiration of 182
two years from the day on which the offender's sentence was 183
imposed or from the day on which the offender finally was 184
released from a prison term under the sentence, whichever is 185
later, may file a motion with the sentencing court requesting 186
termination of the suspension. Upon the filing of the motion and 187
the court's finding of good cause for the termination, the court 188
may terminate the suspension. 189~~

~~(3) If the offender is a professionally licensed person, 190
in addition to any other sanction imposed for a violation of 191
this section, the court immediately shall comply with section 192
2925.38 of the Revised Code. 193~~

(E) Notwithstanding the prison term otherwise authorized 194
or required for the offense under division (C) of this section 195

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, 1-Pentyl-3-(1-
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 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 that otherwise is 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) (1) If the sentencing court suspends the offender's
driver's or commercial driver's license or permit under division
(D) of this section, the offender, at any time after the
expiration of two years from the day on which the offender's
sentence was imposed or from the day on which the offender
finally was released from a prison term under the sentence,
whichever is later, may file a motion with the sentencing court
requesting termination of the suspension. Upon the filing of the
motion and the court's finding of good cause for the
determination, the court may terminate the suspension.

(2) Any offender who received a mandatory suspension of
the offender's driver's or commercial driver's license or permit
under this section prior to the effective date of this amendment
may file a motion with the sentencing court requesting the
termination of the suspension unless either the offender used a
motor vehicle in the commission of the underlying offense or the

offender also pleaded guilty to or was convicted of a violation 227
of section 4511.19 of the Revised Code or a substantially 228
similar municipal ordinance or the law of another state or the 229
United States arising out of the same set of circumstances as 230
the offense under this section. The sentencing court, in its 231
discretion, may terminate the suspension. 232

Sec. 2925.03. (A) No person shall knowingly do any of the 233
following: 234

(1) Sell or offer to sell a controlled substance or a 235
controlled substance analog; 236

(2) Prepare for shipment, ship, transport, deliver, 237
prepare for distribution, or distribute a controlled substance 238
or a controlled substance analog, when the offender knows or has 239
reasonable cause to believe that the controlled substance or a 240
controlled substance analog is intended for sale or resale by 241
the offender or another person. 242

(B) This section does not apply to any of the following: 243

(1) Manufacturers, licensed health professionals 244
authorized to prescribe drugs, pharmacists, owners of 245
pharmacies, and other persons whose conduct is in accordance 246
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 247
4741. of the Revised Code; 248

(2) If the offense involves an anabolic steroid, any 249
person who is conducting or participating in a research project 250
involving the use of an anabolic steroid if the project has been 251
approved by the United States food and drug administration; 252

(3) Any person who sells, offers for sale, prescribes, 253
dispenses, or administers for livestock or other nonhuman 254
species an anabolic steroid that is expressly intended for 255

administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.

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

(1) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or schedule II, with the exception of marihuana, cocaine, L.S.D., heroin, hashish, and controlled substance analogs, whoever violates division (A) of this section is guilty of aggravated trafficking in drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (1) (b), (c), (d), (e), or (f) of this section, aggravated trafficking in drugs 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.

(b) Except as otherwise provided in division (C) (1) (c), (d), (e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the third 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 the bulk amount but is less than five times the bulk amount, aggravated

trafficking in drugs is a felony of the third degree, and, 285
except as otherwise provided in this division, there is a 286
presumption for a prison term for the offense. If aggravated 287
trafficking in drugs is a felony of the third degree under this 288
division and if the offender two or more times previously has 289
been convicted of or pleaded guilty to a felony drug abuse 290
offense, the court shall impose as a mandatory prison term one 291
of the prison terms prescribed for a felony of the third degree. 292
If the amount of the drug involved is within that range and if 293
the offense was committed in the vicinity of a school or in the 294
vicinity of a juvenile, aggravated trafficking in drugs is a 295
felony of the second degree, and the court shall impose as a 296
mandatory prison term one of the prison terms prescribed for a 297
felony of the second degree. 298

(d) Except as otherwise provided in this division, if the 299
amount of the drug involved equals or exceeds five times the 300
bulk amount but is less than fifty times the bulk amount, 301
aggravated trafficking in drugs is a felony of the second 302
degree, and the court shall impose as a mandatory prison term 303
one of the prison terms prescribed for a felony of the second 304
degree. If the amount of the drug involved is within that range 305
and if the offense was committed in the vicinity of a school or 306
in the vicinity of a juvenile, aggravated trafficking in drugs 307
is a felony of the first degree, and the court shall impose as a 308
mandatory prison term one of the prison terms prescribed for a 309
felony of the first degree. 310

(e) If the amount of the drug involved equals or exceeds 311
fifty times the bulk amount but is less than one hundred times 312
the bulk amount and regardless of whether the offense was 313
committed in the vicinity of a school or in the vicinity of a 314
juvenile, aggravated trafficking in drugs is a felony of the 315

first degree, and the court shall impose as a mandatory prison 316
term one of the prison terms prescribed for a felony of the 317
first degree. 318

(f) If the amount of the drug involved equals or exceeds 319
one hundred times the bulk amount and regardless of whether the 320
offense was committed in the vicinity of a school or in the 321
vicinity of a juvenile, aggravated trafficking in drugs is a 322
felony of the first degree, the offender is a major drug 323
offender, and the court shall impose as a mandatory prison term 324
the maximum prison term prescribed for a felony of the first 325
degree. 326

(2) If the drug involved in the violation is any compound, 327
mixture, preparation, or substance included in schedule III, IV, 328
or V, whoever violates division (A) of this section is guilty of 329
trafficking in drugs. The penalty for the offense shall be 330
determined as follows: 331

(a) Except as otherwise provided in division (C) (2) (b), 332
(c), (d), or (e) of this section, trafficking in drugs is a 333
felony of the fifth degree, and division (B) of section 2929.13 334
of the Revised Code applies in determining whether to impose a 335
prison term on the offender. 336

(b) Except as otherwise provided in division (C) (2) (c), 337
(d), or (e) of this section, if the offense was committed in the 338
vicinity of a school or in the vicinity of a juvenile, 339
trafficking in drugs is a felony of the fourth degree, and 340
division (C) of section 2929.13 of the Revised Code applies in 341
determining whether to impose a prison term on the offender. 342

(c) Except as otherwise provided in this division, if the 343
amount of the drug involved equals or exceeds the bulk amount 344

but is less than five times the bulk amount, trafficking in 345
drugs is a felony of the fourth degree, and division (B) of 346
section 2929.13 of the Revised Code applies in determining 347
whether to impose a prison term for the offense. If the amount 348
of the drug involved is within that range and if the offense was 349
committed in the vicinity of a school or in the vicinity of a 350
juvenile, trafficking in drugs is a felony of the third degree, 351
and there is a presumption for a prison term for the offense. 352

(d) Except as otherwise provided in this division, if the 353
amount of the drug involved equals or exceeds five times the 354
bulk amount but is less than fifty times the bulk amount, 355
trafficking in drugs is a felony of the third degree, and there 356
is a presumption for a prison term for the offense. If the 357
amount of the drug involved is within that range and if the 358
offense was committed in the vicinity of a school or in the 359
vicinity of a juvenile, trafficking in drugs is a felony of the 360
second degree, and there is a presumption for a prison term for 361
the offense. 362

(e) Except as otherwise provided in this division, if the 363
amount of the drug involved equals or exceeds fifty times the 364
bulk amount, trafficking in drugs is a felony of the second 365
degree, and the court shall impose as a mandatory prison term 366
one of the prison terms prescribed for a felony of the second 367
degree. If the amount of the drug involved equals or exceeds 368
fifty times the bulk amount and if the offense was committed in 369
the vicinity of a school or in the vicinity of a juvenile, 370
trafficking in drugs is a felony of the first degree, and the 371
court shall impose as a mandatory prison term one of the prison 372
terms prescribed for a felony of the first degree. 373

(3) If the drug involved in the violation is marihuana or 374

a compound, mixture, preparation, or substance containing 375
marihuana other than hashish, whoever violates division (A) of 376
this section is guilty of trafficking in marihuana. The penalty 377
for the offense shall be determined as follows: 378

(a) Except as otherwise provided in division (C) (3) (b), 379
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 380
marihuana is a felony of the fifth degree, and division (B) of 381
section 2929.13 of the Revised Code applies in determining 382
whether to impose a prison term on the offender. 383

(b) Except as otherwise provided in division (C) (3) (c), 384
(d), (e), (f), (g), or (h) of this section, if the offense was 385
committed in the vicinity of a school or in the vicinity of a 386
juvenile, trafficking in marihuana is a felony of the fourth 387
degree, and division (B) of section 2929.13 of the Revised Code 388
applies in determining whether to impose a prison term on the 389
offender. 390

(c) Except as otherwise provided in this division, if the 391
amount of the drug involved equals or exceeds two hundred grams 392
but is less than one thousand grams, trafficking in marihuana is 393
a felony of the fourth degree, and division (B) of section 394
2929.13 of the Revised Code applies in determining whether to 395
impose a prison term on the offender. If the amount of the drug 396
involved is within that range and if the offense was committed 397
in the vicinity of a school or in the vicinity of a juvenile, 398
trafficking in marihuana is a felony of the third degree, and 399
division (C) of section 2929.13 of the Revised Code applies in 400
determining whether to impose a prison term on the offender. 401

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

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

(e) Except as otherwise provided in this division, if the 413
amount of the drug involved equals or exceeds five thousand 414
grams but is less than twenty thousand grams, trafficking in 415
marihuana is a felony of the third degree, and there is a 416
presumption that a prison term shall be imposed for the offense. 417
If the amount of the drug involved is within that range and if 418
the offense was committed in the vicinity of a school or in the 419
vicinity of a juvenile, trafficking in marihuana is a felony of 420
the second degree, and there is a presumption that a prison term 421
shall be imposed for the offense. 422

(f) Except as otherwise provided in this division, if the 423
amount of the drug involved equals or exceeds twenty thousand 424
grams but is less than forty thousand grams, trafficking in 425
marihuana is a felony of the second degree, and the court shall 426
impose a mandatory prison term of five, six, seven, or eight 427
years. If the amount of the drug involved is within that range 428
and if the offense was committed in the vicinity of a school or 429
in the vicinity of a juvenile, trafficking in marihuana is a 430
felony of the first degree, and the court shall impose as a 431
mandatory prison term the maximum prison term prescribed for a 432
felony of the first degree. 433

(g) Except as otherwise provided in this division, if the 434

amount of the drug involved equals or exceeds forty thousand 435
grams, trafficking in marihuana is a felony of the second 436
degree, and the court shall impose as a mandatory prison term 437
the maximum prison term prescribed for a felony of the second 438
degree. If the amount of the drug involved equals or exceeds 439
forty thousand grams and if the offense was committed in the 440
vicinity of a school or in the vicinity of a juvenile, 441
trafficking in marihuana is a felony of the first degree, and 442
the court shall impose as a mandatory prison term the maximum 443
prison term prescribed for a felony of the first degree. 444

(h) Except as otherwise provided in this division, if the 445
offense involves a gift of twenty grams or less of marihuana, 446
trafficking in marihuana is a minor misdemeanor upon a first 447
offense and a misdemeanor of the third degree upon a subsequent 448
offense. If the offense involves a gift of twenty grams or less 449
of marihuana and if the offense was committed in the vicinity of 450
a school or in the vicinity of a juvenile, trafficking in 451
marihuana is a misdemeanor of the third degree. 452

(4) If the drug involved in the violation is cocaine or a 453
compound, mixture, preparation, or substance containing cocaine, 454
whoever violates division (A) of this section is guilty of 455
trafficking in cocaine. The penalty for the offense shall be 456
determined as follows: 457

(a) Except as otherwise provided in division (C) (4) (b), 458
(c), (d), (e), (f), or (g) of this section, trafficking in 459
cocaine is a felony of the fifth degree, and division (B) of 460
section 2929.13 of the Revised Code applies in determining 461
whether to impose a prison term on the offender. 462

(b) Except as otherwise provided in division (C) (4) (c), 463
(d), (e), (f), or (g) of this section, if the offense was 464

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine 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 five grams but is less than ten grams of cocaine, trafficking in cocaine 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 cocaine is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) 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 cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 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 cocaine 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) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine 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. 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 cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of trafficking in L.S.D. The penalty for the offense shall be

determined as follows: 526

(a) Except as otherwise provided in division (C) (5) (b), 527
(c), (d), (e), (f), or (g) of this section, trafficking in 528
L.S.D. is a felony of the fifth degree, and division (B) of 529
section 2929.13 of the Revised Code applies in determining 530
whether to impose a prison term on the offender. 531

(b) Except as otherwise provided in division (C) (5) (c), 532
(d), (e), (f), or (g) of this section, if the offense was 533
committed in the vicinity of a school or in the vicinity of a 534
juvenile, trafficking in L.S.D. is a felony of the fourth 535
degree, and division (C) of section 2929.13 of the Revised Code 536
applies in determining whether to impose a prison term on the 537
offender. 538

(c) Except as otherwise provided in this division, if the 539
amount of the drug involved equals or exceeds ten unit doses but 540
is less than fifty unit doses of L.S.D. in a solid form or 541
equals or exceeds one gram but is less than five grams of L.S.D. 542
in a liquid concentrate, liquid extract, or liquid distillate 543
form, trafficking in L.S.D. is a felony of the fourth degree, 544
and division (B) of section 2929.13 of the Revised Code applies 545
in determining whether to impose a prison term for the offense. 546
If the amount of the drug involved is within that range and if 547
the offense was committed in the vicinity of a school or in the 548
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 549
third degree, and there is a presumption for a prison term for 550
the offense. 551

(d) Except as otherwise provided in this division, if the 552
amount of the drug involved equals or exceeds fifty unit doses 553
but is less than two hundred fifty unit doses of L.S.D. in a 554
solid form or equals or exceeds five grams but is less than 555

twenty-five grams of L.S.D. in a liquid concentrate, liquid 556
extract, or liquid distillate form, trafficking in L.S.D. is a 557
felony of the third degree, and, except as otherwise provided in 558
this division, there is a presumption for a prison term for the 559
offense. If trafficking in L.S.D. is a felony of the third 560
degree under this division and if the offender two or more times 561
previously has been convicted of or pleaded guilty to a felony 562
drug abuse offense, the court shall impose as a mandatory prison 563
term one of the prison terms prescribed for a felony of the 564
third degree. If the amount of the drug involved is within that 565
range and if the offense was committed in the vicinity of a 566
school or in the vicinity of a juvenile, trafficking in L.S.D. 567
is a felony of the second degree, and the court shall impose as 568
a mandatory prison term one of the prison terms prescribed for a 569
felony of the second degree. 570

(e) Except as otherwise provided in this division, if the 571
amount of the drug involved equals or exceeds two hundred fifty 572
unit doses but is less than one thousand unit doses of L.S.D. in 573
a solid form or equals or exceeds twenty-five grams but is less 574
than one hundred grams of L.S.D. in a liquid concentrate, liquid 575
extract, or liquid distillate form, trafficking in L.S.D. is a 576
felony of the second degree, and the court shall impose as a 577
mandatory prison term one of the prison terms prescribed for a 578
felony of the second degree. If the amount of the drug involved 579
is within that range and if the offense was committed in the 580
vicinity of a school or in the vicinity of a juvenile, 581
trafficking in L.S.D. is a felony of the first degree, and the 582
court shall impose as a mandatory prison term one of the prison 583
terms prescribed for a felony of the first degree. 584

(f) If the amount of the drug involved equals or exceeds 585
one thousand unit doses but is less than five thousand unit 586

doses of L.S.D. in a solid form or equals or exceeds one hundred 587
grams but is less than five hundred grams of L.S.D. in a liquid 588
concentrate, liquid extract, or liquid distillate form and 589
regardless of whether the offense was committed in the vicinity 590
of a school or in the vicinity of a juvenile, trafficking in 591
L.S.D. is a felony of the first degree, and the court shall 592
impose as a mandatory prison term one of the prison terms 593
prescribed for a felony of the first degree. 594

(g) If the amount of the drug involved equals or exceeds 595
five thousand unit doses of L.S.D. in a solid form or equals or 596
exceeds five hundred grams of L.S.D. in a liquid concentrate, 597
liquid extract, or liquid distillate form and regardless of 598
whether the offense was committed in the vicinity of a school or 599
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 600
of the first degree, the offender is a major drug offender, and 601
the court shall impose as a mandatory prison term the maximum 602
prison term prescribed for a felony of the first degree. 603

(6) If the drug involved in the violation is heroin or a 604
compound, mixture, preparation, or substance containing heroin, 605
whoever violates division (A) of this section is guilty of 606
trafficking in heroin. The penalty for the offense shall be 607
determined as follows: 608

(a) Except as otherwise provided in division (C) (6) (b), 609
(c), (d), (e), (f), or (g) of this section, trafficking in 610
heroin is a felony of the fifth degree, and division (B) of 611
section 2929.13 of the Revised Code applies in determining 612
whether to impose a prison term on the offender. 613

(b) Except as otherwise provided in division (C) (6) (c), 614
(d), (e), (f), or (g) of this section, if the offense was 615
committed in the vicinity of a school or in the vicinity of a 616

juvenile, trafficking in heroin is a felony of the fourth 617
degree, and division (C) of section 2929.13 of the Revised Code 618
applies in determining whether to impose a prison term on the 619
offender. 620

(c) Except as otherwise provided in this division, if the 621
amount of the drug involved equals or exceeds ten unit doses but 622
is less than fifty unit doses or equals or exceeds one gram but 623
is less than five grams, trafficking in heroin is a felony of 624
the fourth degree, and division (B) of section 2929.13 of the 625
Revised Code applies in determining whether to impose a prison 626
term for the offense. If the amount of the drug involved is 627
within that range and if the offense was committed in the 628
vicinity of a school or in the vicinity of a juvenile, 629
trafficking in heroin is a felony of the third degree, and there 630
is a presumption for a prison term for the offense. 631

(d) Except as otherwise provided in this division, if the 632
amount of the drug involved equals or exceeds fifty unit doses 633
but is less than one hundred unit doses or equals or exceeds 634
five grams but is less than ten grams, trafficking in heroin is 635
a felony of the third degree, and there is a presumption for a 636
prison term for the offense. If the amount of the drug involved 637
is within that range and if the offense was committed in the 638
vicinity of a school or in the vicinity of a juvenile, 639
trafficking in heroin is a felony of the second degree, and 640
there is a presumption for a prison term for the offense. 641

(e) Except as otherwise provided in this division, if the 642
amount of the drug involved equals or exceeds one hundred unit 643
doses but is less than five hundred unit doses or equals or 644
exceeds ten grams but is less than fifty grams, trafficking in 645
heroin is a felony of the second degree, and the court shall 646

impose as a mandatory prison term one of the prison terms 647
prescribed for a felony of the second degree. If the amount of 648
the drug involved is within that range and if the offense was 649
committed in the vicinity of a school or in the vicinity of a 650
juvenile, trafficking in heroin is a felony of the first degree, 651
and the court shall impose as a mandatory prison term one of the 652
prison terms prescribed for a felony of the first degree. 653

(f) If the amount of the drug involved equals or exceeds 654
five hundred unit doses but is less than two thousand five 655
hundred unit doses or equals or exceeds fifty grams but is less 656
than two hundred fifty grams and regardless of whether the 657
offense was committed in the vicinity of a school or in the 658
vicinity of a juvenile, trafficking in heroin is a felony of the 659
first degree, and the court shall impose as a mandatory prison 660
term one of the prison terms prescribed for a felony of the 661
first degree. 662

(g) If the amount of the drug involved equals or exceeds 663
two thousand five hundred unit doses or equals or exceeds two 664
hundred fifty grams and regardless of whether the offense was 665
committed in the vicinity of a school or in the vicinity of a 666
juvenile, trafficking in heroin is a felony of the first degree, 667
the offender is a major drug offender, and the court shall 668
impose as a mandatory prison term the maximum prison term 669
prescribed for a felony of the first degree. 670

(7) If the drug involved in the violation is hashish or a 671
compound, mixture, preparation, or substance containing hashish, 672
whoever violates division (A) of this section is guilty of 673
trafficking in hashish. The penalty for the offense shall be 674
determined as follows: 675

(a) Except as otherwise provided in division (C) (7) (b), 676

(c), (d), (e), (f), or (g) of this section, trafficking in hashish 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) Except as otherwise provided in division (C) (7) (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 hashish 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 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 fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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 on the offender. 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 hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid

distillate form, trafficking in hashish is a felony of the third 707
degree, and division (C) of section 2929.13 of the Revised Code 708
applies in determining whether to impose a prison term on the 709
offender. If the amount of the drug involved is within that 710
range and if the offense was committed in the vicinity of a 711
school or in the vicinity of a juvenile, trafficking in hashish 712
is a felony of the second degree, and there is a presumption 713
that a prison term shall be imposed for the offense. 714

(e) Except as otherwise provided in this division, if the 715
amount of the drug involved equals or exceeds two hundred fifty 716
grams but is less than one thousand grams of hashish in a solid 717
form or equals or exceeds fifty grams but is less than two 718
hundred grams of hashish in a liquid concentrate, liquid 719
extract, or liquid distillate form, trafficking in hashish is a 720
felony of the third degree, and there is a presumption that a 721
prison term shall be imposed for the offense. If the amount of 722
the drug involved is within that range and if the offense was 723
committed in the vicinity of a school or in the vicinity of a 724
juvenile, trafficking in hashish is a felony of the second 725
degree, and there is a presumption that a prison term shall be 726
imposed for the offense. 727

(f) Except as otherwise provided in this division, if the 728
amount of the drug involved equals or exceeds one thousand grams 729
but is less than two thousand grams of hashish in a solid form 730
or equals or exceeds two hundred grams but is less than four 731
hundred grams of hashish in a liquid concentrate, liquid 732
extract, or liquid distillate form, trafficking in hashish is a 733
felony of the second degree, and the court shall impose a 734
mandatory prison term of five, six, seven, or eight years. If 735
the amount of the drug involved is within that range and if the 736
offense was committed in the vicinity of a school or in the 737

vicinity of a juvenile, trafficking in hashish is a felony of 738
the first degree, and the court shall impose as a mandatory 739
prison term the maximum prison term prescribed for a felony of 740
the first degree. 741

(g) Except as otherwise provided in this division, if the 742
amount of the drug involved equals or exceeds two thousand grams 743
of hashish in a solid form or equals or exceeds four hundred 744
grams of hashish in a liquid concentrate, liquid extract, or 745
liquid distillate form, trafficking in hashish is a felony of 746
the second degree, and the court shall impose as a mandatory 747
prison term the maximum prison term prescribed for a felony of 748
the second degree. If the amount of the drug involved equals or 749
exceeds two thousand grams of hashish in a solid form or equals 750
or exceeds four hundred grams of hashish in a liquid 751
concentrate, liquid extract, or liquid distillate form and if 752
the offense was committed in the vicinity of a school or in the 753
vicinity of a juvenile, trafficking in hashish is a felony of 754
the first degree, and the court shall impose as a mandatory 755
prison term the maximum prison term prescribed for a felony of 756
the first degree. 757

(8) If the drug involved in the violation is a controlled 758
substance analog or compound, mixture, preparation, or substance 759
that contains a controlled substance analog, whoever violates 760
division (A) of this section is guilty of trafficking in a 761
controlled substance analog. The penalty for the offense shall 762
be determined as follows: 763

(a) Except as otherwise provided in division (C) (8) (b), 764
(c), (d), (e), (f), or (g) of this section, trafficking in a 765
controlled substance analog is a felony of the fifth degree, and 766
division (C) of section 2929.13 of the Revised Code applies in 767

determining whether to impose a prison term on the offender. 768

(b) Except as otherwise provided in division (C) (8) (c), 769
(d), (e), (f), or (g) of this section, if the offense was 770
committed in the vicinity of a school or in the vicinity of a 771
juvenile, trafficking in a controlled substance analog is a 772
felony of the fourth degree, and division (C) of section 2929.13 773
of the Revised Code applies in determining whether to impose a 774
prison term on the offender. 775

(c) Except as otherwise provided in this division, if the 776
amount of the drug involved equals or exceeds ten grams but is 777
less than twenty grams, trafficking in a controlled substance 778
analog is a felony of the fourth degree, and division (B) of 779
section 2929.13 of the Revised Code applies in determining 780
whether to impose a prison term for the offense. If the amount 781
of the drug involved is within that range and if the offense was 782
committed in the vicinity of a school or in the vicinity of a 783
juvenile, trafficking in a controlled substance analog is a 784
felony of the third degree, and there is a presumption for a 785
prison term for the offense. 786

(d) Except as otherwise provided in this division, if the 787
amount of the drug involved equals or exceeds twenty grams but 788
is less than thirty grams, trafficking in a controlled substance 789
analog is a felony of the third degree, and there is a 790
presumption for a prison term for the offense. If the amount of 791
the drug involved is within that range and if the offense was 792
committed in the vicinity of a school or in the vicinity of a 793
juvenile, trafficking in a controlled substance analog is a 794
felony of the second degree, and there is a presumption for a 795
prison term for the offense. 796

(e) Except as otherwise provided in this division, if the 797

amount of the drug involved equals or exceeds thirty grams but 798
is less than forty grams, trafficking in a controlled substance 799
analog is a felony of the second degree, and the court shall 800
impose as a mandatory prison term one of the prison terms 801
prescribed for a felony of the second degree. If the amount of 802
the drug involved is within that range and if the offense was 803
committed in the vicinity of a school or in the vicinity of a 804
juvenile, trafficking in a controlled substance analog is a 805
felony of the first degree, and the court shall impose as a 806
mandatory prison term one of the prison terms prescribed for a 807
felony of the first degree. 808

(f) If the amount of the drug involved equals or exceeds 809
forty grams but is less than fifty grams and regardless of 810
whether the offense was committed in the vicinity of a school or 811
in the vicinity of a juvenile, trafficking in a controlled 812
substance analog is a felony of the first degree, and the court 813
shall impose as a mandatory prison term one of the prison terms 814
prescribed for a felony of the first degree. 815

(g) If the amount of the drug involved equals or exceeds 816
fifty grams and regardless of whether the offense was committed 817
in the vicinity of a school or in the vicinity of a juvenile, 818
trafficking in a controlled substance analog is a felony of the 819
first degree, the offender is a major drug offender, and the 820
court shall impose as a mandatory prison term the maximum prison 821
term prescribed for a felony of the first degree. 822

(D) In addition to any prison term authorized or required 823
by division (C) of this section and sections 2929.13 and 2929.14 824
of the Revised Code, and in addition to any other sanction 825
imposed for the offense under this section or sections 2929.11 826
to 2929.18 of the Revised Code, the court that sentences an 827

offender who is convicted of or pleads guilty to a violation of 828
division (A) of this section may suspend the driver's or 829
commercial driver's license or permit of the offender in 830
accordance with division (G) of this section and, if applicable, 831
shall do ~~all of the following that are applicable regarding the~~ 832
~~offender:~~ 833

(1) If the violation of division (A) of this section is a 834
felony of the first, second, or third degree, the court shall 835
impose upon the offender the mandatory fine specified for the 836
offense under division (B) (1) of section 2929.18 of the Revised 837
Code unless, as specified in that division, the court determines 838
that the offender is indigent. Except as otherwise provided in 839
division (H) (1) of this section, a mandatory fine or any other 840
fine imposed for a violation of this section is subject to 841
division (F) of this section. If a person is charged with a 842
violation of this section that is a felony of the first, second, 843
or third degree, posts bail, and forfeits the bail, the clerk of 844
the court shall pay the forfeited bail pursuant to divisions (D) 845
(1) and (F) of this section, as if the forfeited bail was a fine 846
imposed for a violation of this section. If any amount of the 847
forfeited bail remains after that payment and if a fine is 848
imposed under division (H) (1) of this section, the clerk of the 849
court shall pay the remaining amount of the forfeited bail 850
pursuant to divisions (H) (2) and (3) of this section, as if that 851
remaining amount was a fine imposed under division (H) (1) of 852
this section. 853

~~(2) The court shall suspend the driver's or commercial~~ 854
~~driver's license or permit of the offender in accordance with~~ 855
~~division (G) of this section.~~ 856

~~(3) If the offender is a professionally licensed person,~~ 857

the court immediately shall comply with section 2925.38 of the Revised Code. 858
859

(E) When a person is charged with the sale of or offer to 860
sell a bulk amount or a multiple of a bulk amount of a 861
controlled substance, the jury, or the court trying the accused, 862
shall determine the amount of the controlled substance involved 863
at the time of the offense and, if a guilty verdict is returned, 864
shall return the findings as part of the verdict. In any such 865
case, it is unnecessary to find and return the exact amount of 866
the controlled substance involved, and it is sufficient if the 867
finding and return is to the effect that the amount of the 868
controlled substance involved is the requisite amount, or that 869
the amount of the controlled substance involved is less than the 870
requisite amount. 871

(F) (1) Notwithstanding any contrary provision of section 872
3719.21 of the Revised Code and except as provided in division 873
(H) of this section, the clerk of the court shall pay any 874
mandatory fine imposed pursuant to division (D) (1) of this 875
section and any fine other than a mandatory fine that is imposed 876
for a violation of this section pursuant to division (A) or (B) 877
(5) of section 2929.18 of the Revised Code to the county, 878
township, municipal corporation, park district, as created 879
pursuant to section 511.18 or 1545.04 of the Revised Code, or 880
state law enforcement agencies in this state that primarily were 881
responsible for or involved in making the arrest of, and in 882
prosecuting, the offender. However, the clerk shall not pay a 883
mandatory fine so imposed to a law enforcement agency unless the 884
agency has adopted a written internal control policy under 885
division (F) (2) of this section that addresses the use of the 886
fine moneys that it receives. Each agency shall use the 887
mandatory fines so paid to subsidize the agency's law 888

enforcement efforts that pertain to drug offenses, in accordance 889
with the written internal control policy adopted by the 890
recipient agency under division (F) (2) of this section. 891

(2) Prior to receiving any fine moneys under division (F) 892
(1) of this section or division (B) of section 2925.42 of the 893
Revised Code, a law enforcement agency shall adopt a written 894
internal control policy that addresses the agency's use and 895
disposition of all fine moneys so received and that provides for 896
the keeping of detailed financial records of the receipts of 897
those fine moneys, the general types of expenditures made out of 898
those fine moneys, and the specific amount of each general type 899
of expenditure. The policy shall not provide for or permit the 900
identification of any specific expenditure that is made in an 901
ongoing investigation. All financial records of the receipts of 902
those fine moneys, the general types of expenditures made out of 903
those fine moneys, and the specific amount of each general type 904
of expenditure by an agency are public records open for 905
inspection under section 149.43 of the Revised Code. 906
Additionally, a written internal control policy adopted under 907
this division is such a public record, and the agency that 908
adopted it shall comply with it. 909

(3) As used in division (F) of this section: 910

(a) "Law enforcement agencies" includes, but is not 911
limited to, the state board of pharmacy and the office of a 912
prosecutor. 913

(b) "Prosecutor" has the same meaning as in section 914
2935.01 of the Revised Code. 915

(G) (1) ~~When required~~ If the sentencing court suspends the 916
offender's driver's or commercial driver's license or permit 917

under division (D) ~~(2)~~ of this section or any other provision of 918
this chapter, the court shall ~~suspend~~ ensure that the suspension 919
is for not less than six months or more than five years ~~the~~ 920
~~driver's or commercial driver's license or permit of any person~~ 921
~~who is convicted of or pleads guilty to any violation of this~~ 922
~~section or any other specified provision of this chapter.~~ If an 923
offender's driver's or commercial driver's license or permit is 924
suspended pursuant to this division, the offender, at any time 925
after the expiration of two years from the day on which the 926
offender's sentence was imposed or from the day on which the 927
offender finally was released from a prison term under the 928
sentence, whichever is later, may file a motion with the 929
sentencing court requesting termination of the suspension; upon 930
the filing of such a motion and the court's finding of good 931
cause for the termination, the court may terminate the 932
suspension. 933

(2) Any offender who received a mandatory suspension of 934
the offender's driver's or commercial driver's license or permit 935
under this section prior to the effective date of this amendment 936
may file a motion with the sentencing court requesting the 937
termination of the suspension unless either the offender used a 938
motor vehicle in the commission of the underlying offense or the 939
offender also pleaded guilty to or was convicted of a violation 940
of section 4511.19 of the Revised Code or a substantially 941
similar municipal ordinance or the law of another state or the 942
United States arising out of the same set of circumstances as 943
the offense under this section. The sentencing court, in its 944
discretion, may terminate the suspension. 945

(H) (1) In addition to any prison term authorized or 946
required by division (C) of this section and sections 2929.13 947
and 2929.14 of the Revised Code, in addition to any other 948

penalty or sanction imposed for the offense under this section 949
or sections 2929.11 to 2929.18 of the Revised Code, and in 950
addition to the forfeiture of property in connection with the 951
offense as prescribed in Chapter 2981. of the Revised Code, the 952
court that sentences an offender who is convicted of or pleads 953
guilty to a violation of division (A) of this section may impose 954
upon the offender an additional fine specified for the offense 955
in division (B)(4) of section 2929.18 of the Revised Code. A 956
fine imposed under division (H)(1) of this section is not 957
subject to division (F) of this section and shall be used solely 958
for the support of one or more eligible community addiction 959
services ~~provider~~ providers in accordance with divisions (H)(2) 960
and (3) of this section. 961

(2) The court that imposes a fine under division (H)(1) of 962
this section shall specify in the judgment that imposes the fine 963
one or more eligible community addiction services ~~provider~~ 964
providers for the support of which the fine money is to be used. 965
No community addiction services provider shall receive or use 966
money paid or collected in satisfaction of a fine imposed under 967
division (H)(1) of this section unless the services provider is 968
specified in the judgment that imposes the fine. No community 969
addiction services provider shall be specified in the judgment 970
unless the services provider is an eligible community addiction 971
services provider and, except as otherwise provided in division 972
(H)(2) of this section, unless the services provider is located 973
in the county in which the court that imposes the fine is 974
located or in a county that is immediately contiguous to the 975
county in which that court is located. If no eligible community 976
addiction services provider is located in any of those counties, 977
the judgment may specify an eligible community addiction 978
services provider that is located anywhere within this state. 979

(3) Notwithstanding any contrary provision of section 980
3719.21 of the Revised Code, the clerk of the court shall pay 981
any fine imposed under division (H) (1) of this section to the 982
eligible community addiction services provider specified 983
pursuant to division (H) (2) of this section in the judgment. The 984
eligible community addiction services provider that receives the 985
fine moneys shall use the moneys only for the alcohol and drug 986
addiction services identified in the application for 987
certification under section 5119.36 of the Revised Code or in 988
the application for a license under section 5119.391 of the 989
Revised Code filed with the department of mental health and 990
addiction services by the community addiction services provider 991
specified in the judgment. 992

(4) Each community addiction services provider that 993
receives in a calendar year any fine moneys under division (H) 994
(3) of this section shall file an annual report covering that 995
calendar year with the court of common pleas and the board of 996
county commissioners of the county in which the services 997
provider is located, with the court of common pleas and the 998
board of county commissioners of each county from which the 999
services provider received the moneys if that county is 1000
different from the county in which the services provider is 1001
located, and with the attorney general. The community addiction 1002
services provider shall file the report no later than the first 1003
day of March in the calendar year following the calendar year in 1004
which the services provider received the fine moneys. The report 1005
shall include statistics on the number of persons served by the 1006
community addiction services provider, identify the types of 1007
alcohol and drug addiction services provided to those persons, 1008
and include a specific accounting of the purposes for which the 1009
fine moneys received were used. No information contained in the 1010

report shall identify, or enable a person to determine the 1011
identity of, any person served by the community addiction 1012
services provider. Each report received by a court of common 1013
pleas, a board of county commissioners, or the attorney general 1014
is a public record open for inspection under section 149.43 of 1015
the Revised Code. 1016

(5) As used in divisions (H) (1) to (5) of this section: 1017

(a) "Community addiction services provider" and "alcohol 1018
and drug addiction services" have the same meanings as in 1019
section 5119.01 of the Revised Code. 1020

(b) "Eligible community addiction services provider" means 1021
a community addiction services provider that is certified under 1022
section 5119.36 of the Revised Code or licensed under section 1023
5119.391 of the Revised Code by the department of mental health 1024
and addiction services. 1025

(I) As used in this section, "drug" includes any substance 1026
that is represented to be a drug. 1027

(J) It is an affirmative defense to a charge of 1028
trafficking in a controlled substance analog under division (C) 1029
(8) of this section that the person charged with violating that 1030
offense sold or offered to sell, or prepared for shipment, 1031
shipped, transported, delivered, prepared for distribution, or 1032
distributed an item described in division (HH) (2) (a), (b), or 1033
(c) of section 3719.01 of the Revised Code. 1034

Sec. 2925.04. (A) No person shall knowingly cultivate 1035
marihuana or knowingly manufacture or otherwise engage in any 1036
part of the production of a controlled substance. 1037

(B) This section does not apply to any person listed in 1038
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1039

Code to the extent and under the circumstances described in 1040
those divisions. 1041

(C) (1) Whoever commits a violation of division (A) of this 1042
section that involves any drug other than marihuana is guilty of 1043
illegal manufacture of drugs, and whoever commits a violation of 1044
division (A) of this section that involves marihuana is guilty 1045
of illegal cultivation of marihuana. 1046

(2) Except as otherwise provided in this division, if the 1047
drug involved in the violation of division (A) of this section 1048
is any compound, mixture, preparation, or substance included in 1049
schedule I or II, with the exception of methamphetamine or 1050
marihuana, illegal manufacture of drugs is a felony of the 1051
second degree, and, subject to division (E) of this section, the 1052
court shall impose as a mandatory prison term one of the prison 1053
terms prescribed for a felony of the second degree. 1054

If the drug involved in the violation is any compound, 1055
mixture, preparation, or substance included in schedule I or II, 1056
with the exception of methamphetamine or marihuana, and if the 1057
offense was committed in the vicinity of a juvenile or in the 1058
vicinity of a school, illegal manufacture of drugs is a felony 1059
of the first degree, and, subject to division (E) of this 1060
section, the court shall impose as a mandatory prison term one 1061
of the prison terms prescribed for a felony of the first degree. 1062

(3) If the drug involved in the violation of division (A) 1063
of this section is methamphetamine, the penalty for the 1064
violation shall be determined as follows: 1065

(a) Except as otherwise provided in division (C) (3) (b) of 1066
this section, if the drug involved in the violation is 1067
methamphetamine, illegal manufacture of drugs is a felony of the 1068

second degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than three years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B) (6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than five years.

(b) If the drug involved in the violation is methamphetamine and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than four years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B) (6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than five years.

(4) If the drug involved in the violation of division (A)

of this section is any compound, mixture, preparation, or 1100
substance included in schedule III, IV, or V, illegal 1101
manufacture of drugs is a felony of the third degree or, if the 1102
offense was committed in the vicinity of a school or in the 1103
vicinity of a juvenile, a felony of the second degree, and there 1104
is a presumption for a prison term for the offense. 1105

(5) If the drug involved in the violation is marihuana, 1106
the penalty for the offense shall be determined as follows: 1107

(a) Except as otherwise provided in division (C) (5) (b), 1108
(c), (d), (e), or (f) of this section, illegal cultivation of 1109
marihuana is a minor misdemeanor or, if the offense was 1110
committed in the vicinity of a school or in the vicinity of a 1111
juvenile, a misdemeanor of the fourth degree. 1112

(b) If the amount of marihuana involved equals or exceeds 1113
one hundred grams but is less than two hundred grams, illegal 1114
cultivation of marihuana is a misdemeanor of the fourth degree 1115
or, if the offense was committed in the vicinity of a school or 1116
in the vicinity of a juvenile, a misdemeanor of the third 1117
degree. 1118

(c) If the amount of marihuana involved equals or exceeds 1119
two hundred grams but is less than one thousand grams, illegal 1120
cultivation of marihuana is a felony of the fifth degree or, if 1121
the offense was committed in the vicinity of a school or in the 1122
vicinity of a juvenile, a felony of the fourth degree, and 1123
division (B) of section 2929.13 of the Revised Code applies in 1124
determining whether to impose a prison term on the offender. 1125

(d) If the amount of marihuana involved equals or exceeds 1126
one thousand grams but is less than five thousand grams, illegal 1127
cultivation of marihuana is a felony of the third degree or, if 1128

the offense was committed in the vicinity of a school or in the 1129
vicinity of a juvenile, a felony of the second degree, and 1130
division (C) of section 2929.13 of the Revised Code applies in 1131
determining whether to impose a prison term on the offender. 1132

(e) If the amount of marihuana involved equals or exceeds 1133
five thousand grams but is less than twenty thousand grams, 1134
illegal cultivation of marihuana is a felony of the third degree 1135
or, if the offense was committed in the vicinity of a school or 1136
in the vicinity of a juvenile, a felony of the second degree, 1137
and there is a presumption for a prison term for the offense. 1138

(f) Except as otherwise provided in this division, if the 1139
amount of marihuana involved equals or exceeds twenty thousand 1140
grams, illegal cultivation of marihuana is a felony of the 1141
second degree, and the court shall impose as a mandatory prison 1142
term the maximum prison term prescribed for a felony of the 1143
second degree. If the amount of the drug involved equals or 1144
exceeds twenty thousand grams and if the offense was committed 1145
in the vicinity of a school or in the vicinity of a juvenile, 1146
illegal cultivation of marihuana is a felony of the first 1147
degree, and the court shall impose as a mandatory prison term 1148
the maximum prison term prescribed for a felony of the first 1149
degree. 1150

(D) In addition to any prison term authorized or required 1151
by division (C) or (E) of this section and sections 2929.13 and 1152
2929.14 of the Revised Code and in addition to any other 1153
sanction imposed for the offense under this section or sections 1154
2929.11 to 2929.18 of the Revised Code, the court that sentences 1155
an offender who is convicted of or pleads guilty to a violation 1156
of division (A) of this section may suspend the offender's 1157
driver's or commercial driver's license or permit in accordance 1158

with division (G) of section 2925.03 of the Revised Code and, if 1159
applicable, shall do all of the following that are applicable 1160
regarding the offender: 1161

(1) If the violation of division (A) of this section is a 1162
felony of the first, second, or third degree, the court shall 1163
impose upon the offender the mandatory fine specified for the 1164
offense under division (B)(1) of section 2929.18 of the Revised 1165
Code unless, as specified in that division, the court determines 1166
that the offender is indigent. The clerk of the court shall pay 1167
a mandatory fine or other fine imposed for a violation of this 1168
section pursuant to division (A) of section 2929.18 of the 1169
Revised Code in accordance with and subject to the requirements 1170
of division (F) of section 2925.03 of the Revised Code. The 1171
agency that receives the fine shall use the fine as specified in 1172
division (F) of section 2925.03 of the Revised Code. If a person 1173
is charged with a violation of this section that is a felony of 1174
the first, second, or third degree, posts bail, and forfeits the 1175
bail, the clerk shall pay the forfeited bail as if the forfeited 1176
bail were a fine imposed for a violation of this section. 1177

~~(2) The court shall suspend the offender's driver's or~~ 1178
~~commercial driver's license or permit in accordance with~~ 1179
~~division (G) of section 2925.03 of the Revised Code. If an~~ 1180
~~offender's driver's or commercial driver's license or permit is~~ 1181
~~suspended in accordance with that division, the offender may~~ 1182
~~request termination of, and the court may terminate, the~~ 1183
~~suspension in accordance with that division.~~ 1184

~~(3)~~ If the offender is a professionally licensed person, 1185
the court immediately shall comply with section 2925.38 of the 1186
Revised Code. 1187

(E) Notwithstanding the prison term otherwise authorized 1188

or required for the offense under division (C) of this section 1189
and sections 2929.13 and 2929.14 of the Revised Code, if the 1190
violation of division (A) of this section involves the sale, 1191
offer to sell, or possession of a schedule I or II controlled 1192
substance, with the exception of marihuana, and if the court 1193
imposing sentence upon the offender finds that the offender as a 1194
result of the violation is a major drug offender and is guilty 1195
of a specification of the type described in section 2941.1410 of 1196
the Revised Code, the court, in lieu of the prison term 1197
otherwise authorized or required, shall impose upon the offender 1198
the mandatory prison term specified in division (B) (3) of 1199
section 2929.14 of the Revised Code. 1200

(F) It is an affirmative defense, as provided in section 1201
2901.05 of the Revised Code, to a charge under this section for 1202
a fifth degree felony violation of illegal cultivation of 1203
marihuana that the marihuana that gave rise to the charge is in 1204
an amount, is in a form, is prepared, compounded, or mixed with 1205
substances that are not controlled substances in a manner, or is 1206
possessed or cultivated under any other circumstances that 1207
indicate that the marihuana was solely for personal use. 1208

Notwithstanding any contrary provision of division (F) of 1209
this section, if, in accordance with section 2901.05 of the 1210
Revised Code, a person who is charged with a violation of 1211
illegal cultivation of marihuana that is a felony of the fifth 1212
degree sustains the burden of going forward with evidence of and 1213
establishes by a preponderance of the evidence the affirmative 1214
defense described in this division, the person may be prosecuted 1215
for and may be convicted of or plead guilty to a misdemeanor 1216
violation of illegal cultivation of marihuana. 1217

(G) Arrest or conviction for a minor misdemeanor violation 1218

of this section does not constitute a criminal record and need 1219
not be reported by the person so arrested or convicted in 1220
response to any inquiries about the person's criminal record, 1221
including any inquiries contained in an application for 1222
employment, a license, or any other right or privilege or made 1223
in connection with the person's appearance as a witness. 1224

(H) (1) If the sentencing court suspends the offender's 1225
driver's or commercial driver's license or permit under this 1226
section in accordance with division (G) of section 2925.03 of 1227
the Revised Code, the offender may request termination of, and 1228
the court may terminate, the suspension of the offender in 1229
accordance with that division. 1230

(2) Any offender who received a mandatory suspension of 1231
the offender's driver's or commercial driver's license or permit 1232
under this section prior to the effective date of this amendment 1233
may file a motion with the sentencing court requesting the 1234
termination of the suspension unless either the offender used a 1235
motor vehicle in the commission of the underlying offense or the 1236
offender also pleaded guilty to or was convicted of a violation 1237
of section 4511.19 of the Revised Code or a substantially 1238
similar municipal ordinance or the law of another state or the 1239
United States arising out of the same set of circumstances as 1240
the offense under this section. The sentencing court, in its 1241
discretion, may terminate the suspension. 1242

Sec. 2925.041. (A) No person shall knowingly assemble or 1243
possess one or more chemicals that may be used to manufacture a 1244
controlled substance in schedule I or II with the intent to 1245
manufacture a controlled substance in schedule I or II in 1246
violation of section 2925.04 of the Revised Code. 1247

(B) In a prosecution under this section, it is not 1248

necessary to allege or prove that the offender assembled or 1249
possessed all chemicals necessary to manufacture a controlled 1250
substance in schedule I or II. The assembly or possession of a 1251
single chemical that may be used in the manufacture of a 1252
controlled substance in schedule I or II, with the intent to 1253
manufacture a controlled substance in either schedule, is 1254
sufficient to violate this section. 1255

(C) Whoever violates this section is guilty of illegal 1256
assembly or possession of chemicals for the manufacture of 1257
drugs. Except as otherwise provided in this division, illegal 1258
assembly or possession of chemicals for the manufacture of drugs 1259
is a felony of the third degree, and, except as otherwise 1260
provided in division (C)(1) or (2) of this section, division (C) 1261
of section 2929.13 of the Revised Code applies in determining 1262
whether to impose a prison term on the offender. If the offense 1263
was committed in the vicinity of a juvenile or in the vicinity 1264
of a school, illegal assembly or possession of chemicals for the 1265
manufacture of drugs is a felony of the second degree, and, 1266
except as otherwise provided in division (C)(1) or (2) of this 1267
section, division (C) of section 2929.13 of the Revised Code 1268
applies in determining whether to impose a prison term on the 1269
offender. If the violation of division (A) of this section is a 1270
felony of the third degree under this division and if the 1271
chemical or chemicals assembled or possessed in violation of 1272
division (A) of this section may be used to manufacture 1273
methamphetamine, there either is a presumption for a prison term 1274
for the offense or the court shall impose a mandatory prison 1275
term on the offender, determined as follows: 1276

(1) Except as otherwise provided in this division, there 1277
is a presumption for a prison term for the offense. If the 1278
offender two or more times previously has been convicted of or 1279

pleaded guilty to a felony drug abuse offense, except as 1280
otherwise provided in this division, the court shall impose as a 1281
mandatory prison term one of the prison terms prescribed for a 1282
felony of the third degree that is not less than two years. If 1283
the offender two or more times previously has been convicted of 1284
or pleaded guilty to a felony drug abuse offense and if at least 1285
one of those previous convictions or guilty pleas was to a 1286
violation of division (A) of this section, a violation of 1287
division (B) (6) of section 2919.22 of the Revised Code, or a 1288
violation of division (A) of section 2925.04 of the Revised 1289
Code, the court shall impose as a mandatory prison term one of 1290
the prison terms prescribed for a felony of the third degree 1291
that is not less than five years. 1292

(2) If the violation of division (A) of this section is a 1293
felony of the second degree under division (C) of this section 1294
and the chemical or chemicals assembled or possessed in 1295
committing the violation may be used to manufacture 1296
methamphetamine, the court shall impose as a mandatory prison 1297
term one of the prison terms prescribed for a felony of the 1298
second degree that is not less than three years. If the 1299
violation of division (A) of this section is a felony of the 1300
second degree under division (C) of this section, if the 1301
chemical or chemicals assembled or possessed in committing the 1302
violation may be used to manufacture methamphetamine, and if the 1303
offender previously has been convicted of or pleaded guilty to a 1304
violation of division (A) of this section, a violation of 1305
division (B) (6) of section 2919.22 of the Revised Code, or a 1306
violation of division (A) of section 2925.04 of the Revised 1307
Code, the court shall impose as a mandatory prison term one of 1308
the prison terms prescribed for a felony of the second degree 1309
that is not less than five years. 1310

(D) In addition to any prison term authorized by division 1311
(C) of this section and sections 2929.13 and 2929.14 of the 1312
Revised Code and in addition to any other sanction imposed for 1313
the offense under this section or sections 2929.11 to 2929.18 of 1314
the Revised Code, the court that sentences an offender who is 1315
convicted of or pleads guilty to a violation of this section may 1316
suspend the offender's driver's or commercial driver's license 1317
or permit in accordance with division (G) of section 2925.03 of 1318
the Revised Code and, if applicable, shall do all of the 1319
following that are applicable regarding the offender: 1320

(1) The court shall impose upon the offender the mandatory 1321
fine specified for the offense under division (B)(1) of section 1322
2929.18 of the Revised Code unless, as specified in that 1323
division, the court determines that the offender is indigent. 1324
The clerk of the court shall pay a mandatory fine or other fine 1325
imposed for a violation of this section under division (A) of 1326
section 2929.18 of the Revised Code in accordance with and 1327
subject to the requirements of division (F) of section 2925.03 1328
of the Revised Code. The agency that receives the fine shall use 1329
the fine as specified in division (F) of section 2925.03 of the 1330
Revised Code. If a person charged with a violation of this 1331
section posts bail and forfeits the bail, the clerk shall pay 1332
the forfeited bail as if the forfeited bail were a fine imposed 1333
for a violation of this section. 1334

~~(2) The court shall revoke or suspend the offender's~~ 1335
~~driver's or commercial driver's license or permit in accordance~~ 1336
~~with division (G) of section 2925.03 of the Revised Code. If an~~ 1337
~~offender's driver's or commercial driver's license or permit is~~ 1338
~~revoked in accordance with that division, the offender may~~ 1339
~~request termination of, and the court may terminate, the~~ 1340
~~revocation in accordance with that division.~~ 1341

~~(3)~~—If the offender is a professionally licensed person or 1342
a person who has been admitted to the bar by order of the 1343
supreme court in compliance with its prescribed and published 1344
rules, the court shall comply with section 2925.38 of the 1345
Revised Code. 1346

(E) (1) If the sentencing court suspends the offender's 1347
driver's or commercial driver's license or permit under this 1348
section in accordance with division (G) of section 2925.03 of 1349
the Revised Code, the offender may request termination of, and 1350
the court may terminate, the suspension of the offender in 1351
accordance with that division. 1352

(2) Any offender who received a mandatory suspension of 1353
the offender's driver's or commercial driver's license or permit 1354
under this section prior to the effective date of this amendment 1355
may file a motion with the sentencing court requesting the 1356
termination of the suspension unless either the offender used a 1357
motor vehicle in the commission of the underlying offense or the 1358
offender also pleaded guilty to or was convicted of a violation 1359
of section 4511.19 of the Revised Code or a substantially 1360
similar municipal ordinance or the law of another state or the 1361
United States arising out of the same set of circumstances as 1362
the offense under this section. The sentencing court, in its 1363
discretion, may terminate the suspension. 1364

Sec. 2925.05. (A) No person shall knowingly provide money 1365
or other items of value to another person with the purpose that 1366
the recipient of the money or items of value use them to obtain 1367
any controlled substance for the purpose of violating section 1368
2925.04 of the Revised Code or for the purpose of selling or 1369
offering to sell the controlled substance in the following 1370
amount: 1371

- (1) If the drug to be sold or offered for sale is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish, or schedule III, IV, or V, an amount of the drug that equals or exceeds the bulk amount of the drug; 1372
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- (2) If the drug to be sold or offered for sale is marihuana or a compound, mixture, preparation, or substance other than hashish containing marihuana, an amount of the marihuana that equals or exceeds two hundred grams; 1378
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- (3) If the drug to be sold or offered for sale is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the cocaine that equals or exceeds five grams; 1382
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- (4) If the drug to be sold or offered for sale is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., an amount of the L.S.D. that equals or exceeds ten unit doses if the L.S.D. is in a solid form or equals or exceeds one gram if the L.S.D. is in a liquid concentrate, liquid extract, or liquid distillate form; 1386
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- (5) If the drug to be sold or offered for sale is heroin or a compound, mixture, preparation, or substance containing heroin, an amount of the heroin that equals or exceeds ten unit doses or equals or exceeds one gram; 1392
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- (6) If the drug to be sold or offered for sale is hashish or a compound, mixture, preparation, or substance containing hashish, an amount of the hashish that equals or exceeds ten grams if the hashish is in a solid form or equals or exceeds two grams if the hashish is in a liquid concentrate, liquid extract, 1396
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or liquid distillate form. 1401

(B) This section does not apply to any person listed in 1402
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1403
Code to the extent and under the circumstances described in 1404
those divisions. 1405

(C)(1) If the drug involved in the violation is any 1406
compound, mixture, preparation, or substance included in 1407
schedule I or II, with the exception of marihuana, whoever 1408
violates division (A) of this section is guilty of aggravated 1409
funding of drug trafficking, a felony of the first degree, and, 1410
subject to division (E) of this section, the court shall impose 1411
as a mandatory prison term one of the prison terms prescribed 1412
for a felony of the first degree. 1413

(2) If the drug involved in the violation is any compound, 1414
mixture, preparation, or substance included in schedule III, IV, 1415
or V, whoever violates division (A) of this section is guilty of 1416
funding of drug trafficking, a felony of the second degree, and 1417
the court shall impose as a mandatory prison term one of the 1418
prison terms prescribed for a felony of the second degree. 1419

(3) If the drug involved in the violation is marihuana, 1420
whoever violates division (A) of this section is guilty of 1421
funding of marihuana trafficking, a felony of the third degree, 1422
and, except as otherwise provided in this division, there is a 1423
presumption for a prison term for the offense. If funding of 1424
marihuana trafficking is a felony of the third degree under this 1425
division and if the offender two or more times previously has 1426
been convicted of or pleaded guilty to a felony drug abuse 1427
offense, the court shall impose as a mandatory prison term one 1428
of the prison terms prescribed for a felony of the third degree. 1429

(D) In addition to any prison term authorized or required 1430
by division (C) or (E) of this section and sections 2929.13 and 1431
2929.14 of the Revised Code and in addition to any other 1432
sanction imposed for the offense under this section or sections 1433
2929.11 to 2929.18 of the Revised Code, the court that sentences 1434
an offender who is convicted of or pleads guilty to a violation 1435
of division (A) of this section may suspend the offender's 1436
driver's or commercial driver's license or permit in accordance 1437
with division (G) of section 2925.03 of the Revised Code and, if 1438
applicable, shall do all of the following that are applicable 1439
regarding the offender: 1440

(1) The court shall impose the mandatory fine specified 1441
for the offense under division (B)(1) of section 2929.18 of the 1442
Revised Code unless, as specified in that division, the court 1443
determines that the offender is indigent. The clerk of the court 1444
shall pay a mandatory fine or other fine imposed for a violation 1445
of this section pursuant to division (A) of section 2929.18 of 1446
the Revised Code in accordance with and subject to the 1447
requirements of division (F) of section 2925.03 of the Revised 1448
Code. The agency that receives the fine shall use the fine in 1449
accordance with division (F) of section 2925.03 of the Revised 1450
Code. If a person is charged with a violation of this section, 1451
posts bail, and forfeits the bail, the forfeited bail shall be 1452
paid as if the forfeited bail were a fine imposed for a 1453
violation of this section. 1454

~~(2) The court shall suspend the offender's driver's or~~ 1455
~~commercial driver's license or permit in accordance with~~ 1456
~~division (G) of section 2925.03 of the Revised Code. If an~~ 1457
~~offender's driver's or commercial driver's license or permit is~~ 1458
~~suspended in accordance with that division, the offender may~~ 1459
~~request termination of, and the court may terminate, the~~ 1460

~~suspension in accordance with that division.~~ 1461

~~(3) If the offender is a professionally licensed person,~~ 1462
the court immediately shall comply with section 2925.38 of the 1463
Revised Code. 1464

(E) Notwithstanding the prison term otherwise authorized 1465
or required for the offense under division (C) of this section 1466
and sections 2929.13 and 2929.14 of the Revised Code, if the 1467
violation of division (A) of this section involves the sale, 1468
offer to sell, or possession of a schedule I or II controlled 1469
substance, with the exception of marihuana, and if the court 1470
imposing sentence upon the offender finds that the offender as a 1471
result of the violation is a major drug offender and is guilty 1472
of a specification of the type described in section 2941.1410 of 1473
the Revised Code, the court, in lieu of the prison term 1474
otherwise authorized or required, shall impose upon the offender 1475
the mandatory prison term specified in division (B) (3) of 1476
section 2929.14 of the Revised Code. 1477

(F) (1) If the sentencing court suspends the offender's 1478
driver's or commercial driver's license or permit under this 1479
section in accordance with division (G) of section 2925.03 of 1480
the Revised Code, the offender may request termination of, and 1481
the court may terminate, the suspension in accordance with that 1482
division. 1483

(2) Any offender who received a mandatory suspension of 1484
the offender's driver's or commercial driver's license or permit 1485
under this section prior to the effective date of this amendment 1486
may file a motion with the sentencing court requesting the 1487
termination of the suspension unless either the offender used a 1488
motor vehicle in the commission of the underlying offense or the 1489
offender also pleaded guilty to or was convicted of a violation 1490

of section 4511.19 of the Revised Code or a substantially 1491
similar municipal ordinance or the law of another state or the 1492
United States arising out of the same set of circumstances as 1493
the offense under this section. The sentencing court, in its 1494
discretion, may terminate the suspension. 1495

Sec. 2925.06. (A) No person shall knowingly administer to 1496
a human being, or prescribe or dispense for administration to a 1497
human being, any anabolic steroid not approved by the United 1498
States food and drug administration for administration to human 1499
beings. 1500

(B) This section does not apply to any person listed in 1501
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1502
Code to the extent and under the circumstances described in 1503
those divisions. 1504

(C) Whoever violates division (A) of this section is 1505
guilty of illegal administration or distribution of anabolic 1506
steroids, a felony of the fourth degree, and division (C) of 1507
section 2929.13 of the Revised Code applies in determining 1508
whether to impose a prison term on the offender. 1509

(D) (1) In addition to any prison term authorized or 1510
required by division (C) of this section and sections 2929.13 1511
and 2929.14 of the Revised Code and in addition to any other 1512
sanction imposed for the offense under this section or sections 1513
2929.11 to 2929.18 of the Revised Code, the court that sentences 1514
an offender who is convicted of or pleads guilty to a violation 1515
of division (A) of this section ~~shall do both of the following:~~ 1516

~~(1) The court shall~~ may suspend the offender's driver's or 1517
commercial driver's license or permit in accordance with 1518
division (G) of section 2925.03 of the Revised Code. If an 1519

offender's driver's or commercial driver's license or permit is 1520
suspended in accordance with that division, the offender may 1521
request termination of, and the court may terminate, the 1522
suspension in accordance with that division. 1523

~~(2)~~—If the offender is a professionally licensed person, 1524
the court immediately shall comply with section 2925.38 of the 1525
Revised Code. 1526

(2) Any offender who received a mandatory suspension of 1527
the offender's driver's or commercial driver's license or permit 1528
under this section prior to the effective date of this amendment 1529
may file a motion with the sentencing court requesting the 1530
termination of the suspension unless either the offender used a 1531
motor vehicle in the commission of the underlying offense or the 1532
offender also pleaded guilty to or was convicted of a violation 1533
of section 4511.19 of the Revised Code or a substantially 1534
similar municipal ordinance or the law of another state or the 1535
United States arising out of the same set of circumstances as 1536
the offense under this section. The sentencing court, in its 1537
discretion, may terminate the suspension. 1538

(E) If a person commits any act that constitutes a 1539
violation of division (A) of this section and that also 1540
constitutes a violation of any other provision of the Revised 1541
Code, the prosecutor, as defined in section 2935.01 of the 1542
Revised Code, using customary prosecutorial discretion, may 1543
prosecute the person for a violation of the appropriate 1544
provision of the Revised Code. 1545

Sec. 2925.11. (A) No person shall knowingly obtain, 1546
possess, or use a controlled substance or a controlled substance 1547
analog. 1548

(B) This section does not apply to any of the following:	1549
(1) Manufacturers, licensed health professionals	1550
authorized to prescribe drugs, pharmacists, owners of	1551
pharmacies, and other persons whose conduct was in accordance	1552
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	1553
4741. of the Revised Code;	1554
(2) If the offense involves an anabolic steroid, any	1555
person who is conducting or participating in a research project	1556
involving the use of an anabolic steroid if the project has been	1557
approved by the United States food and drug administration;	1558
(3) Any person who sells, offers for sale, prescribes,	1559
dispenses, or administers for livestock or other nonhuman	1560
species an anabolic steroid that is expressly intended for	1561
administration through implants to livestock or other nonhuman	1562
species and approved for that purpose under the "Federal Food,	1563
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	1564
as amended, and is sold, offered for sale, prescribed,	1565
dispensed, or administered for that purpose in accordance with	1566
that act;	1567
(4) Any person who obtained the controlled substance	1568
pursuant to a lawful prescription issued by a licensed health	1569
professional authorized to prescribe drugs.	1570
(C) Whoever violates division (A) of this section is	1571
guilty of one of the following:	1572
(1) If the drug involved in the violation is a compound,	1573
mixture, preparation, or substance included in schedule I or II,	1574
with the exception of marihuana, cocaine, L.S.D., heroin,	1575
hashish, and controlled substance analogs, whoever violates	1576
division (A) of this section is guilty of aggravated possession	1577

of drugs. The penalty for the offense shall be determined as 1578
follows: 1579

(a) Except as otherwise provided in division (C) (1) (b), 1580
(c), (d), or (e) of this section, aggravated possession of drugs 1581
is a felony of the fifth degree, and division (B) of section 1582
2929.13 of the Revised Code applies in determining whether to 1583
impose a prison term on the offender. 1584

(b) If the amount of the drug involved equals or exceeds 1585
the bulk amount but is less than five times the bulk amount, 1586
aggravated possession of drugs is a felony of the third degree, 1587
and there is a presumption for a prison term for the offense. 1588

(c) If the amount of the drug involved equals or exceeds 1589
five times the bulk amount but is less than fifty times the bulk 1590
amount, aggravated possession of drugs is a felony of the second 1591
degree, and the court shall impose as a mandatory prison term 1592
one of the prison terms prescribed for a felony of the second 1593
degree. 1594

(d) If the amount of the drug involved equals or exceeds 1595
fifty times the bulk amount but is less than one hundred times 1596
the bulk amount, aggravated possession of drugs is a felony of 1597
the first degree, and the court shall impose as a mandatory 1598
prison term one of the prison terms prescribed for a felony of 1599
the first degree. 1600

(e) If the amount of the drug involved equals or exceeds 1601
one hundred times the bulk amount, aggravated possession of 1602
drugs is a felony of the first degree, the offender is a major 1603
drug offender, and the court shall impose as a mandatory prison 1604
term the maximum prison term prescribed for a felony of the 1605
first degree. 1606

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

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

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs 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) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, possession of drugs 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 fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

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

(a) Except as otherwise provided in division (C) (3) (b), 1636
(c), (d), (e), (f), or (g) of this section, possession of 1637
marihuana is a minor misdemeanor. 1638

(b) If the amount of the drug involved equals or exceeds 1639
one hundred grams but is less than two hundred grams, possession 1640
of marihuana is a misdemeanor of the fourth degree. 1641

(c) If the amount of the drug involved equals or exceeds 1642
two hundred grams but is less than one thousand grams, 1643
possession of marihuana is a felony of the fifth degree, and 1644
division (B) of section 2929.13 of the Revised Code applies in 1645
determining whether to impose a prison term on the offender. 1646

(d) If the amount of the drug involved equals or exceeds 1647
one thousand grams but is less than five thousand grams, 1648
possession of marihuana is a felony of the third degree, and 1649
division (C) of section 2929.13 of the Revised Code applies in 1650
determining whether to impose a prison term on the offender. 1651

(e) If the amount of the drug involved equals or exceeds 1652
five thousand grams but is less than twenty thousand grams, 1653
possession of marihuana is a felony of the third degree, and 1654
there is a presumption that a prison term shall be imposed for 1655
the offense. 1656

(f) If the amount of the drug involved equals or exceeds 1657
twenty thousand grams but is less than forty thousand grams, 1658
possession of marihuana is a felony of the second degree, and 1659
the court shall impose a mandatory prison term of five, six, 1660
seven, or eight years. 1661

(g) If the amount of the drug involved equals or exceeds 1662
forty thousand grams, possession of marihuana is a felony of the 1663
second degree, and the court shall impose as a mandatory prison 1664

term the maximum prison term prescribed for a felony of the 1665
second degree. 1666

(4) If the drug involved in the violation is cocaine or a 1667
compound, mixture, preparation, or substance containing cocaine, 1668
whoever violates division (A) of this section is guilty of 1669
possession of cocaine. The penalty for the offense shall be 1670
determined as follows: 1671

(a) Except as otherwise provided in division (C) (4) (b), 1672
(c), (d), (e), or (f) of this section, possession of cocaine is 1673
a felony of the fifth degree, and division (B) of section 1674
2929.13 of the Revised Code applies in determining whether to 1675
impose a prison term on the offender. 1676

(b) If the amount of the drug involved equals or exceeds 1677
five grams but is less than ten grams of cocaine, possession of 1678
cocaine is a felony of the fourth degree, and division (B) of 1679
section 2929.13 of the Revised Code applies in determining 1680
whether to impose a prison term on the offender. 1681

(c) If the amount of the drug involved equals or exceeds 1682
ten grams but is less than twenty grams of cocaine, possession 1683
of cocaine is a felony of the third degree, and, except as 1684
otherwise provided in this division, there is a presumption for 1685
a prison term for the offense. If possession of cocaine is a 1686
felony of the third degree under this division and if the 1687
offender two or more times previously has been convicted of or 1688
pleaded guilty to a felony drug abuse offense, the court shall 1689
impose as a mandatory prison term one of the prison terms 1690
prescribed for a felony of the third degree. 1691

(d) If the amount of the drug involved equals or exceeds 1692
twenty grams but is less than twenty-seven grams of cocaine, 1693

possession of cocaine is a felony of the second degree, and the 1694
court shall impose as a mandatory prison term one of the prison 1695
terms prescribed for a felony of the second degree. 1696

(e) If the amount of the drug involved equals or exceeds 1697
twenty-seven grams but is less than one hundred grams of 1698
cocaine, possession of cocaine is a felony of the first degree, 1699
and the court shall impose as a mandatory prison term one of the 1700
prison terms prescribed for a felony of the first degree. 1701

(f) If the amount of the drug involved equals or exceeds 1702
one hundred grams of cocaine, possession of cocaine is a felony 1703
of the first degree, the offender is a major drug offender, and 1704
the court shall impose as a mandatory prison term the maximum 1705
prison term prescribed for a felony of the first degree. 1706

(5) If the drug involved in the violation is L.S.D., 1707
whoever violates division (A) of this section is guilty of 1708
possession of L.S.D. The penalty for the offense shall be 1709
determined as follows: 1710

(a) Except as otherwise provided in division (C) (5) (b), 1711
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1712
felony of the fifth degree, and division (B) of section 2929.13 1713
of the Revised Code applies in determining whether to impose a 1714
prison term on the offender. 1715

(b) If the amount of L.S.D. involved equals or exceeds ten 1716
unit doses but is less than fifty unit doses of L.S.D. in a 1717
solid form or equals or exceeds one gram but is less than five 1718
grams of L.S.D. in a liquid concentrate, liquid extract, or 1719
liquid distillate form, possession of L.S.D. is a felony of the 1720
fourth degree, and division (C) of section 2929.13 of the 1721
Revised Code applies in determining whether to impose a prison 1722

term on the offender. 1723

(c) If the amount of L.S.D. involved equals or exceeds 1724
fifty unit doses, but is less than two hundred fifty unit doses 1725
of L.S.D. in a solid form or equals or exceeds five grams but is 1726
less than twenty-five grams of L.S.D. in a liquid concentrate, 1727
liquid extract, or liquid distillate form, possession of L.S.D. 1728
is a felony of the third degree, and there is a presumption for 1729
a prison term for the offense. 1730

(d) If the amount of L.S.D. involved equals or exceeds two 1731
hundred fifty unit doses but is less than one thousand unit 1732
doses of L.S.D. in a solid form or equals or exceeds twenty-five 1733
grams but is less than one hundred grams of L.S.D. in a liquid 1734
concentrate, liquid extract, or liquid distillate form, 1735
possession of L.S.D. is a felony of the second degree, and the 1736
court shall impose as a mandatory prison term one of the prison 1737
terms prescribed for a felony of the second degree. 1738

(e) If the amount of L.S.D. involved equals or exceeds one 1739
thousand unit doses but is less than five thousand unit doses of 1740
L.S.D. in a solid form or equals or exceeds one hundred grams 1741
but is less than five hundred grams of L.S.D. in a liquid 1742
concentrate, liquid extract, or liquid distillate form, 1743
possession of L.S.D. is a felony of the first degree, and the 1744
court shall impose as a mandatory prison term one of the prison 1745
terms prescribed for a felony of the first degree. 1746

(f) If the amount of L.S.D. involved equals or exceeds 1747
five thousand unit doses of L.S.D. in a solid form or equals or 1748
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1749
liquid extract, or liquid distillate form, possession of L.S.D. 1750
is a felony of the first degree, the offender is a major drug 1751
offender, and the court shall impose as a mandatory prison term 1752

the maximum prison term prescribed for a felony of the first 1753
degree. 1754

(6) If the drug involved in the violation is heroin or a 1755
compound, mixture, preparation, or substance containing heroin, 1756
whoever violates division (A) of this section is guilty of 1757
possession of heroin. The penalty for the offense shall be 1758
determined as follows: 1759

(a) Except as otherwise provided in division (C) (6) (b), 1760
(c), (d), (e), or (f) of this section, possession of heroin is a 1761
felony of the fifth degree, and division (B) of section 2929.13 1762
of the Revised Code applies in determining whether to impose a 1763
prison term on the offender. 1764

(b) If the amount of the drug involved equals or exceeds 1765
ten unit doses but is less than fifty unit doses or equals or 1766
exceeds one gram but is less than five grams, possession of 1767
heroin is a felony of the fourth degree, and division (C) of 1768
section 2929.13 of the Revised Code applies in determining 1769
whether to impose a prison term on the offender. 1770

(c) If the amount of the drug involved equals or exceeds 1771
fifty unit doses but is less than one hundred unit doses or 1772
equals or exceeds five grams but is less than ten grams, 1773
possession of heroin is a felony of the third degree, and there 1774
is a presumption for a prison term for the offense. 1775

(d) If the amount of the drug involved equals or exceeds 1776
one hundred unit doses but is less than five hundred unit doses 1777
or equals or exceeds ten grams but is less than fifty grams, 1778
possession of heroin is a felony of the second degree, and the 1779
court shall impose as a mandatory prison term one of the prison 1780
terms prescribed for a felony of the second degree. 1781

(e) If the amount of the drug involved equals or exceeds 1782
five hundred unit doses but is less than two thousand five 1783
hundred unit doses or equals or exceeds fifty grams but is less 1784
than two hundred fifty grams, possession of heroin is a felony 1785
of the first degree, and the court shall impose as a mandatory 1786
prison term one of the prison terms prescribed for a felony of 1787
the first degree. 1788

(f) If the amount of the drug involved equals or exceeds 1789
two thousand five hundred unit doses or equals or exceeds two 1790
hundred fifty grams, possession of heroin is a felony of the 1791
first degree, the offender is a major drug offender, and the 1792
court shall impose as a mandatory prison term the maximum prison 1793
term prescribed for a felony of the first degree. 1794

(7) If the drug involved in the violation is hashish or a 1795
compound, mixture, preparation, or substance containing hashish, 1796
whoever violates division (A) of this section is guilty of 1797
possession of hashish. The penalty for the offense shall be 1798
determined as follows: 1799

(a) Except as otherwise provided in division (C) (7) (b), 1800
(c), (d), (e), (f), or (g) of this section, possession of 1801
hashish is a minor misdemeanor. 1802

(b) If the amount of the drug involved equals or exceeds 1803
five grams but is less than ten grams of hashish in a solid form 1804
or equals or exceeds one gram but is less than two grams of 1805
hashish in a liquid concentrate, liquid extract, or liquid 1806
distillate form, possession of hashish is a misdemeanor of the 1807
fourth degree. 1808

(c) If the amount of the drug involved equals or exceeds 1809
ten grams but is less than fifty grams of hashish in a solid 1810

form or equals or exceeds two grams but is less than ten grams 1811
of hashish in a liquid concentrate, liquid extract, or liquid 1812
distillate form, possession of hashish is a felony of the fifth 1813
degree, and division (B) of section 2929.13 of the Revised Code 1814
applies in determining whether to impose a prison term on the 1815
offender. 1816

(d) If the amount of the drug involved equals or exceeds 1817
fifty grams but is less than two hundred fifty grams of hashish 1818
in a solid form or equals or exceeds ten grams but is less than 1819
fifty grams of hashish in a liquid concentrate, liquid extract, 1820
or liquid distillate form, possession of hashish is a felony of 1821
the third degree, and division (C) of section 2929.13 of the 1822
Revised Code applies in determining whether to impose a prison 1823
term on the offender. 1824

(e) If the amount of the drug involved equals or exceeds 1825
two hundred fifty grams but is less than one thousand grams of 1826
hashish in a solid form or equals or exceeds fifty grams but is 1827
less than two hundred grams of hashish in a liquid concentrate, 1828
liquid extract, or liquid distillate form, possession of hashish 1829
is a felony of the third degree, and there is a presumption that 1830
a prison term shall be imposed for the offense. 1831

(f) If the amount of the drug involved equals or exceeds 1832
one thousand grams but is less than two thousand grams of 1833
hashish in a solid form or equals or exceeds two hundred grams 1834
but is less than four hundred grams of hashish in a liquid 1835
concentrate, liquid extract, or liquid distillate form, 1836
possession of hashish is a felony of the second degree, and the 1837
court shall impose a mandatory prison term of five, six, seven, 1838
or eight years. 1839

(g) If the amount of the drug involved equals or exceeds 1840

two thousand grams of hashish in a solid form or equals or 1841
exceeds four hundred grams of hashish in a liquid concentrate, 1842
liquid extract, or liquid distillate form, possession of hashish 1843
is a felony of the second degree, and the court shall impose as 1844
a mandatory prison term the maximum prison term prescribed for a 1845
felony of the second degree. 1846

(8) If the drug involved is a controlled substance analog 1847
or compound, mixture, preparation, or substance that contains a 1848
controlled substance analog, whoever violates division (A) of 1849
this section is guilty of possession of a controlled substance 1850
analog. The penalty for the offense shall be determined as 1851
follows: 1852

(a) Except as otherwise provided in division (C) (8) (b), 1853
(c), (d), (e), or (f) of this section, possession of a 1854
controlled substance analog is a felony of the fifth degree, and 1855
division (B) of section 2929.13 of the Revised Code applies in 1856
determining whether to impose a prison term on the offender. 1857

(b) If the amount of the drug involved equals or exceeds 1858
ten grams but is less than twenty grams, possession of a 1859
controlled substance analog is a felony of the fourth degree, 1860
and there is a presumption for a prison term for the offense. 1861

(c) If the amount of the drug involved equals or exceeds 1862
twenty grams but is less than thirty grams, possession of a 1863
controlled substance analog is a felony of the third degree, and 1864
there is a presumption for a prison term for the offense. 1865

(d) If the amount of the drug involved equals or exceeds 1866
thirty grams but is less than forty grams, possession of a 1867
controlled substance analog is a felony of the second degree, 1868
and the court shall impose as a mandatory prison term one of the 1869

prison terms prescribed for a felony of the second degree. 1870

(e) If the amount of the drug involved equals or exceeds 1871
forty grams but is less than fifty grams, possession of a 1872
controlled substance analog is a felony of the first degree, and 1873
the court shall impose as a mandatory prison term one of the 1874
prison terms prescribed for a felony of the first degree. 1875

(f) If the amount of the drug involved equals or exceeds 1876
fifty grams, possession of a controlled substance analog is a 1877
felony of the first degree, the offender is a major drug 1878
offender, and the court shall impose as a mandatory prison term 1879
the maximum prison term prescribed for a felony of the first 1880
degree. 1881

(D) Arrest or conviction for a minor misdemeanor violation 1882
of this section does not constitute a criminal record and need 1883
not be reported by the person so arrested or convicted in 1884
response to any inquiries about the person's criminal record, 1885
including any inquiries contained in any application for 1886
employment, license, or other right or privilege, or made in 1887
connection with the person's appearance as a witness. 1888

(E) In addition to any prison term or jail term authorized 1889
or required by division (C) of this section and sections 1890
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1891
Code and in addition to any other sanction that is imposed for 1892
the offense under this section, sections 2929.11 to 2929.18, or 1893
sections 2929.21 to 2929.28 of the Revised Code, the court that 1894
sentences an offender who is convicted of or pleads guilty to a 1895
violation of division (A) of this section may suspend for not 1896
more than five years the offender's driver's or commercial 1897
driver's license or permit and, if applicable, shall do all of 1898
the following that are applicable regarding the offender: 1899

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

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other 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.

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

~~(2) The court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.~~

~~(3)~~ If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge of a fourth degree

felony violation under this section that the controlled 1929
substance that gave rise to the charge is in an amount, is in a 1930
form, is prepared, compounded, or mixed with substances that are 1931
not controlled substances in a manner, or is possessed under any 1932
other circumstances, that indicate that the substance was 1933
possessed solely for personal use. Notwithstanding any contrary 1934
provision of this section, if, in accordance with section 1935
2901.05 of the Revised Code, an accused who is charged with a 1936
fourth degree felony violation of division (C) (2), (4), (5), or 1937
(6) of this section sustains the burden of going forward with 1938
evidence of and establishes by a preponderance of the evidence 1939
the affirmative defense described in this division, the accused 1940
may be prosecuted for and may plead guilty to or be convicted of 1941
a misdemeanor violation of division (C) (2) of this section or a 1942
fifth degree felony violation of division (C) (4), (5), or (6) of 1943
this section respectively. 1944

(G) When a person is charged with possessing a bulk amount 1945
or multiple of a bulk amount, division (E) of section 2925.03 of 1946
the Revised Code applies regarding the determination of the 1947
amount of the controlled substance involved at the time of the 1948
offense. 1949

(H) It is an affirmative defense to a charge of possession 1950
of a controlled substance analog under division (C) (8) of this 1951
section that the person charged with violating that offense 1952
obtained, possessed, or used an item described in division (HH) 1953
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 1954

(I) Any offender who received a mandatory suspension of 1955
the offender's driver's or commercial driver's license or permit 1956
under this section prior to the effective date of this amendment 1957
may file a motion with the sentencing court requesting the 1958

termination of the suspension unless either the offender used a 1959
motor vehicle in the commission of the underlying offense or the 1960
offender also pleaded guilty to or was convicted of a violation 1961
of section 4511.19 of the Revised Code or a substantially 1962
similar municipal ordinance or the law of another state or the 1963
United States arising out of the same set of circumstances as 1964
the offense under this section. The sentencing court, in its 1965
discretion, may terminate the suspension. 1966

Sec. 2925.12. (A) No person shall knowingly make, obtain, 1967
possess, or use any instrument, article, or thing the customary 1968
and primary purpose of which is for the administration or use of 1969
a dangerous drug, other than marihuana, when the instrument 1970
involved is a hypodermic or syringe, whether or not of crude or 1971
extemporized manufacture or assembly, and the instrument, 1972
article, or thing involved has been used by the offender to 1973
unlawfully administer or use a dangerous drug, other than 1974
marihuana, or to prepare a dangerous drug, other than marihuana, 1975
for unlawful administration or use. 1976

(B) This section does not apply to manufacturers, licensed 1977
health professionals authorized to prescribe drugs, pharmacists, 1978
owners of pharmacies, and other persons whose conduct was in 1979
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 1980
4731., and 4741. of the Revised Code. 1981

(C) Whoever violates this section is guilty of possessing 1982
drug abuse instruments, a misdemeanor of the second degree. If 1983
the offender previously has been convicted of a drug abuse 1984
offense, a violation of this section is a misdemeanor of the 1985
first degree. 1986

(D) (1) In addition to any other sanction imposed upon an 1987
offender for a violation of this section, the court ~~shall~~may 1988

suspend for not ~~less than six months or~~ more than five years the
offender's driver's or commercial driver's license or permit. If
the offender is a professionally licensed person, in addition to
any other sanction imposed for a violation of this section, the
court immediately shall comply with section 2925.38 of the
Revised Code.

(2) Any offender who received a mandatory suspension of
the offender's driver's or commercial driver's license or permit
under this section prior to the effective date of this amendment
may file a motion with the sentencing court requesting the
termination of the suspension unless either the offender used a
motor vehicle in the commission of the underlying offense or the
offender also pleaded guilty to or was convicted of a violation
of section 4511.19 of the Revised Code or a substantially
similar municipal ordinance or the law of another state or the
United States arising out of the same set of circumstances as
the offense under this section. The sentencing court, in its
discretion, may terminate the suspension.

Sec. 2925.13. (A) No person who is the owner, operator, or
person in charge of a locomotive, watercraft, aircraft, or other
vehicle, as defined in division (A) of section 4501.01 of the
Revised Code, shall knowingly permit the vehicle to be used for
the commission of a felony drug abuse offense.

(B) No person who is the owner, lessee, or occupant, or
who has custody, control, or supervision, of premises or real
estate, including vacant land, shall knowingly permit the
premises or real estate, including vacant land, to be used for
the commission of a felony drug abuse offense by another person.

(C) (1) Whoever violates this section is guilty of
permitting drug abuse.

(2) Except as provided in division (C) (3) of this section, 2019
permitting drug abuse is a misdemeanor of the first degree. 2020

(3) Permitting drug abuse is a felony of the fifth degree, 2021
and division (C) of section 2929.13 of the Revised Code applies 2022
in determining whether to impose a prison term on the offender, 2023
if the felony drug abuse offense in question is a violation of 2024
section 2925.02 or 2925.03 of the Revised Code. 2025

(D) (1) In addition to any prison term authorized or 2026
required by division (C) of this section and sections 2929.13 2027
and 2929.14 of the Revised Code and in addition to any other 2028
sanction imposed for the offense under this section or sections 2029
2929.11 to 2929.18 of the Revised Code, the court that sentences 2030
a person who is convicted of or pleads guilty to a violation of 2031
division (A) of this section ~~shall do all of the following that~~ 2032
~~are applicable regarding the offender:~~ 2033

~~(1) The court shall may suspend for not less than six~~ 2034
~~months or more than five years the offender's driver's or~~ 2035
~~commercial driver's license or permit.~~ 2036

~~(2)~~ If the offender is a professionally licensed person, 2037
in addition to any other sanction imposed for a violation of 2038
this section, the court immediately shall comply with section 2039
2925.38 of the Revised Code. 2040

(2) Any offender who received a mandatory suspension of 2041
the offender's driver's or commercial driver's license or permit 2042
under this section prior to the effective date of this amendment 2043
may file a motion with the sentencing court requesting the 2044
termination of the suspension unless either the offender used a 2045
motor vehicle in the commission of the underlying offense or the 2046
offender also pleaded guilty to or was convicted of a violation 2047

of section 4511.19 of the Revised Code or a substantially 2048
similar municipal ordinance or the law of another state or the 2049
United States arising out of the same set of circumstances as 2050
the offense under this section. The sentencing court, in its 2051
discretion, may terminate the suspension. 2052

(E) Notwithstanding any contrary provision of section 2053
3719.21 of the Revised Code, the clerk of the court shall pay a 2054
fine imposed for a violation of this section pursuant to 2055
division (A) of section 2929.18 of the Revised Code in 2056
accordance with and subject to the requirements of division (F) 2057
of section 2925.03 of the Revised Code. The agency that receives 2058
the fine shall use the fine as specified in division (F) of 2059
section 2925.03 of the Revised Code. 2060

(F) Any premises or real estate that is permitted to be 2061
used in violation of division (B) of this section constitutes a 2062
nuisance subject to abatement pursuant to Chapter 3767. of the 2063
Revised Code. 2064

Sec. 2925.14. (A) As used in this section, "drug 2065
paraphernalia" means any equipment, product, or material of any 2066
kind that is used by the offender, intended by the offender for 2067
use, or designed for use, in propagating, cultivating, growing, 2068
harvesting, manufacturing, compounding, converting, producing, 2069
processing, preparing, testing, analyzing, packaging, 2070
repackaging, storing, containing, concealing, injecting, 2071
ingesting, inhaling, or otherwise introducing into the human 2072
body, a controlled substance in violation of this chapter. "Drug 2073
paraphernalia" includes, but is not limited to, any of the 2074
following equipment, products, or materials that are used by the 2075
offender, intended by the offender for use, or designed by the 2076
offender for use, in any of the following manners: 2077

- (1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived; 2078
2079
2080
- (2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance; 2081
2082
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine; 2083
2084
2085
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance; 2086
2087
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance; 2088
2089
- (6) A scale or balance for weighing or measuring a controlled substance; 2090
2091
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 2092
2093
2094
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 2095
2096
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 2097
2098
- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 2099
2100
- (11) A container or device for storing or concealing a controlled substance; 2101
2102
- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human 2103
2104

body; 2105

(13) An object, instrument, or device for ingesting, 2106
inhaling, or otherwise introducing into the human body, 2107
marihuana, cocaine, hashish, or hashish oil, such as a metal, 2108
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2109
without a screen, permanent screen, hashish head, or punctured 2110
metal bowl; water pipe; carburetion tube or device; smoking or 2111
carburetion mask; roach clip or similar object used to hold 2112
burning material, such as a marihuana cigarette, that has become 2113
too small or too short to be held in the hand; miniature cocaine 2114
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2115
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2116

(B) In determining if any equipment, product, or material 2117
is drug paraphernalia, a court or law enforcement officer shall 2118
consider, in addition to other relevant factors, the following: 2119

(1) Any statement by the owner, or by anyone in control, 2120
of the equipment, product, or material, concerning its use; 2121

(2) The proximity in time or space of the equipment, 2122
product, or material, or of the act relating to the equipment, 2123
product, or material, to a violation of any provision of this 2124
chapter; 2125

(3) The proximity of the equipment, product, or material 2126
to any controlled substance; 2127

(4) The existence of any residue of a controlled substance 2128
on the equipment, product, or material; 2129

(5) Direct or circumstantial evidence of the intent of the 2130
owner, or of anyone in control, of the equipment, product, or 2131
material, to deliver it to any person whom the owner or person 2132
in control of the equipment, product, or material knows intends 2133

to use the object to facilitate a violation of any provision of 2134
this chapter. A finding that the owner, or anyone in control, of 2135
the equipment, product, or material, is not guilty of a 2136
violation of any other provision of this chapter does not 2137
prevent a finding that the equipment, product, or material was 2138
intended or designed by the offender for use as drug 2139
paraphernalia. 2140

(6) Any oral or written instruction provided with the 2141
equipment, product, or material concerning its use; 2142

(7) Any descriptive material accompanying the equipment, 2143
product, or material and explaining or depicting its use; 2144

(8) National or local advertising concerning the use of 2145
the equipment, product, or material; 2146

(9) The manner and circumstances in which the equipment, 2147
product, or material is displayed for sale; 2148

(10) Direct or circumstantial evidence of the ratio of the 2149
sales of the equipment, product, or material to the total sales 2150
of the business enterprise; 2151

(11) The existence and scope of legitimate uses of the 2152
equipment, product, or material in the community; 2153

(12) Expert testimony concerning the use of the equipment, 2154
product, or material. 2155

(C) (1) Subject to division (D) (2) of this section, no 2156
person shall knowingly use, or possess with purpose to use, drug 2157
paraphernalia. 2158

(2) No person shall knowingly sell, or possess or 2159
manufacture with purpose to sell, drug paraphernalia, if the 2160
person knows or reasonably should know that the equipment, 2161

product, or material will be used as drug paraphernalia. 2162

(3) No person shall place an advertisement in any 2163
newspaper, magazine, handbill, or other publication that is 2164
published and printed and circulates primarily within this 2165
state, if the person knows that the purpose of the advertisement 2166
is to promote the illegal sale in this state of the equipment, 2167
product, or material that the offender intended or designed for 2168
use as drug paraphernalia. 2169

(D) (1) This section does not apply to manufacturers, 2170
licensed health professionals authorized to prescribe drugs, 2171
pharmacists, owners of pharmacies, and other persons whose 2172
conduct is in accordance with Chapters 3719., 4715., 4723., 2173
4729., 4730., 4731., and 4741. of the Revised Code. This section 2174
shall not be construed to prohibit the possession or use of a 2175
hypodermic as authorized by section 3719.172 of the Revised 2176
Code. 2177

(2) Division (C) (1) of this section does not apply to a 2178
person's use, or possession with purpose to use, any drug 2179
paraphernalia that is equipment, a product, or material of any 2180
kind that is used by the person, intended by the person for use, 2181
or designed for use in storing, containing, concealing, 2182
injecting, ingesting, inhaling, or otherwise introducing into 2183
the human body marihuana. 2184

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2185
drug paraphernalia that was used, possessed, sold, or 2186
manufactured in a violation of this section shall be seized, 2187
after a conviction for that violation shall be forfeited, and 2188
upon forfeiture shall be disposed of pursuant to division (B) of 2189
section 2981.12 of the Revised Code. 2190

(F) (1) Whoever violates division (C) (1) of this section is 2191
guilty of illegal use or possession of drug paraphernalia, a 2192
misdemeanor of the fourth degree. 2193

(2) Except as provided in division (F) (3) of this section, 2194
whoever violates division (C) (2) of this section is guilty of 2195
dealing in drug paraphernalia, a misdemeanor of the second 2196
degree. 2197

(3) Whoever violates division (C) (2) of this section by 2198
selling drug paraphernalia to a juvenile is guilty of selling 2199
drug paraphernalia to juveniles, a misdemeanor of the first 2200
degree. 2201

(4) Whoever violates division (C) (3) of this section is 2202
guilty of illegal advertising of drug paraphernalia, a 2203
misdemeanor of the second degree. 2204

(G) (1) In addition to any other sanction imposed upon an 2205
offender for a violation of this section, the court ~~shall~~ may 2206
suspend for not ~~less than six months or more than five years~~ the 2207
offender's driver's or commercial driver's license or permit. If 2208
the offender is a professionally licensed person, in addition to 2209
any other sanction imposed for a violation of this section, the 2210
court immediately shall comply with section 2925.38 of the 2211
Revised Code. 2212

(2) Any offender who received a mandatory suspension of 2213
the offender's driver's or commercial driver's license or permit 2214
under this section prior to the effective date of this amendment 2215
may file a motion with the sentencing court requesting the 2216
termination of the suspension unless either the offender used a 2217
motor vehicle in the commission of the underlying offense or the 2218
offender also pleaded guilty to or was convicted of a violation 2219

of section 4511.19 of the Revised Code or a substantially 2220
similar municipal ordinance or the law of another state or the 2221
United States arising out of the same set of circumstances as 2222
the offense under this section. The sentencing court, in its 2223
discretion, may terminate the suspension. 2224

Sec. 2925.141. (A) As used in this section, "drug 2225
paraphernalia" has the same meaning as in section 2925.14 of the 2226
Revised Code. 2227

(B) In determining if any equipment, product, or material 2228
is drug paraphernalia, a court or law enforcement officer shall 2229
consider, in addition to other relevant factors, all factors 2230
identified in division (B) of section 2925.14 of the Revised 2231
Code. 2232

(C) No person shall knowingly use, or possess with purpose 2233
to use, any drug paraphernalia that is equipment, a product, or 2234
material of any kind that is used by the person, intended by the 2235
person for use, or designed for use in storing, containing, 2236
concealing, injecting, ingesting, inhaling, or otherwise 2237
introducing into the human body marihuana. 2238

(D) This section does not apply to any person identified 2239
in division (D)(1) of section 2925.14 of the Revised Code, and 2240
it shall not be construed to prohibit the possession or use of a 2241
hypodermic as authorized by section 3719.172 of the Revised 2242
Code. 2243

(E) Division (E) of section 2925.14 of the Revised Code 2244
applies with respect to any drug paraphernalia that was used or 2245
possessed in violation of this section. 2246

(F) Whoever violates division (C) of this section is 2247
guilty of illegal use or possession of marihuana drug 2248

paraphernalia, a minor misdemeanor. 2249

(G) (1) In addition to any other sanction imposed upon an 2250
offender for a violation of this section, the court ~~shall~~ may 2251
suspend for not ~~less than six months or more than five years~~ the 2252
offender's driver's or commercial driver's license or permit. If 2253
the offender is a professionally licensed person, in addition to 2254
any other sanction imposed for a violation of this section, the 2255
court immediately shall comply with section 2925.38 of the 2256
Revised Code. 2257

(2) Any offender who received a mandatory suspension of 2258
the offender's driver's or commercial driver's license or permit 2259
under this section prior to the effective date of this amendment 2260
may file a motion with the sentencing court requesting the 2261
termination of the suspension unless either the offender used a 2262
motor vehicle in the commission of the underlying offense or the 2263
offender also pleaded guilty to or was convicted of a violation 2264
of section 4511.19 of the Revised Code or a substantially 2265
similar municipal ordinance or the law of another state or the 2266
United States arising out of the same set of circumstances as 2267
the offense under this section. The sentencing court, in its 2268
discretion, may terminate the suspension. 2269

Sec. 2925.22. (A) No person, by deception, shall procure 2270
the administration of, a prescription for, or the dispensing of, 2271
a dangerous drug or shall possess an uncompleted preprinted 2272
prescription blank used for writing a prescription for a 2273
dangerous drug. 2274

(B) Whoever violates this section is guilty of deception 2275
to obtain a dangerous drug. The penalty for the offense shall be 2276
determined as follows: 2277

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

(2) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, the penalty for deception to obtain drugs is one of the following:

(a) Except as otherwise provided in division (B) (2) (b), (c), or (d) of this section, it 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.

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

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed five

times the bulk amount but would be less than fifty times the 2308
bulk amount, it is a felony of the second degree, and there is a 2309
presumption for a prison term for the offense. 2310

(d) If the amount of the drug involved equals or exceeds 2311
fifty times the bulk amount, or if the amount of the drug 2312
involved that could be obtained pursuant to the prescription 2313
would equal or exceed fifty times the bulk amount, it is a 2314
felony of the first degree, and there is a presumption for a 2315
prison term for the offense. 2316

(3) If the drug involved is a compound, mixture, 2317
preparation, or substance included in schedule III, IV, or V or 2318
is marihuana, the penalty for deception to obtain a dangerous 2319
drug is one of the following: 2320

(a) Except as otherwise provided in division (B) (3) (b), 2321
(c), or (d) of this section, it is a felony of the fifth degree, 2322
and division (C) of section 2929.13 of the Revised Code applies 2323
in determining whether to impose a prison term on the offender. 2324

(b) If the amount of the drug involved equals or exceeds 2325
the bulk amount but is less than five times the bulk amount, or 2326
if the amount of the drug involved that could be obtained 2327
pursuant to the prescription would equal or exceed the bulk 2328
amount but would be less than five times the bulk amount, it is 2329
a felony of the fourth degree, and division (C) of section 2330
2929.13 of the Revised Code applies in determining whether to 2331
impose a prison term on the offender. 2332

(c) If the amount of the drug involved equals or exceeds 2333
five times the bulk amount but is less than fifty times the bulk 2334
amount, or if the amount of the drug involved that could be 2335
obtained pursuant to the prescription would equal or exceed five 2336

times the bulk amount but would be less than fifty times the 2337
bulk amount, it is a felony of the third degree, and there is a 2338
presumption for a prison term for the offense. 2339

(d) If the amount of the drug involved equals or exceeds 2340
fifty times the bulk amount, or if the amount of the drug 2341
involved that could be obtained pursuant to the prescription 2342
would equal or exceed fifty times the bulk amount, it is a 2343
felony of the second degree, and there is a presumption for a 2344
prison term for the offense. 2345

(C) (1) In addition to any prison term authorized or 2346
required by division (B) of this section and sections 2929.13 2347
and 2929.14 of the Revised Code and in addition to any other 2348
sanction imposed for the offense under this section or sections 2349
2929.11 to 2929.18 of the Revised Code, the court that sentences 2350
an offender who is convicted of or pleads guilty to a violation 2351
of division (A) of this section ~~shall do both of the following:~~ 2352

~~(1) The court shall may suspend for not less than six~~ 2353
~~months or more than five years the offender's driver's or~~ 2354
commercial driver's license or permit. 2355

~~(2) If the offender is a professionally licensed person,~~ 2356
in addition to any other sanction imposed for a violation of 2357
this section, the court immediately shall comply with section 2358
2925.38 of the Revised Code. 2359

(2) Any offender who received a mandatory suspension of 2360
the offender's driver's or commercial driver's license or permit 2361
under this section prior to the effective date of this amendment 2362
may file a motion with the sentencing court requesting the 2363
termination of the suspension unless either the offender used a 2364
motor vehicle in the commission of the underlying offense or the 2365

offender also pleaded guilty to or was convicted of a violation 2366
of section 4511.19 of the Revised Code or a substantially 2367
similar municipal ordinance or the law of another state or the 2368
United States arising out of the same set of circumstances as 2369
the offense under this section. The sentencing court, in its 2370
discretion, may terminate the suspension. 2371

(D) Notwithstanding any contrary provision of section 2372
3719.21 of the Revised Code, the clerk of the court shall pay a 2373
fine imposed for a violation of this section pursuant to 2374
division (A) of section 2929.18 of the Revised Code in 2375
accordance with and subject to the requirements of division (F) 2376
of section 2925.03 of the Revised Code. The agency that receives 2377
the fine shall use the fine as specified in division (F) of 2378
section 2925.03 of the Revised Code. 2379

Sec. 2925.23. (A) No person shall knowingly make a false 2380
statement in any prescription, order, report, or record required 2381
by Chapter 3719. or 4729. of the Revised Code. 2382

(B) No person shall intentionally make, utter, or sell, or 2383
knowingly possess any of the following that is a false or 2384
forged: 2385

(1) Prescription; 2386

(2) Uncompleted preprinted prescription blank used for 2387
writing a prescription; 2388

(3) Official written order; 2389

(4) License for a terminal distributor of dangerous drugs 2390
as required in section 4729.60 of the Revised Code; 2391

(5) Registration certificate for a wholesale distributor 2392
of dangerous drugs as required in section 4729.60 of the Revised 2393

Code.	2394
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	2395 2396
(1) A prescription;	2397
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2398 2399
(3) An official written order;	2400
(4) A blank official written order;	2401
(5) A license or blank license for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;	2402 2403 2404
(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.	2405 2406 2407
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2408 2409 2410
(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.	2411 2412 2413 2414 2415
(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	2416 2417 2418 2419 2420

(B) (1) or (3), division (C) (1) or (3), or division (D) of this 2421
section, the penalty for illegal processing of drug documents 2422
shall be determined as follows: 2423

(1) If the drug involved is a compound, mixture, 2424
preparation, or substance included in schedule I or II, with the 2425
exception of marihuana, illegal processing of drug documents is 2426
a felony of the fourth degree, and division (C) of section 2427
2929.13 of the Revised Code applies in determining whether to 2428
impose a prison term on the offender. 2429

(2) If the drug involved is a dangerous drug or a 2430
compound, mixture, preparation, or substance included in 2431
schedule III, IV, or V or is marihuana, illegal processing of 2432
drug documents is a felony of the fifth degree, and division (C) 2433
of section 2929.13 of the Revised Code applies in determining 2434
whether to impose a prison term on the offender. 2435

(G) (1) In addition to any prison term authorized or 2436
required by division (F) of this section and sections 2929.13 2437
and 2929.14 of the Revised Code and in addition to any other 2438
sanction imposed for the offense under this section or sections 2439
2929.11 to 2929.18 of the Revised Code, the court that sentences 2440
an offender who is convicted of or pleads guilty to any 2441
violation of divisions (A) to (D) of this section ~~shall do both~~ 2442
~~of the following:~~ 2443

~~(1) The court shall may suspend for not less than six-~~ 2444
~~months or more than five years the offender's driver's or~~ 2445
~~commercial driver's license or permit.~~ 2446

~~(2)~~ If the offender is a professionally licensed person, 2447
in addition to any other sanction imposed for a violation of 2448
this section, the court immediately shall comply with section 2449

2925.38 of the Revised Code. 2450

(2) Any offender who received a mandatory suspension of 2451
the offender's driver's or commercial driver's license or permit 2452
under this section prior to the effective date of this amendment 2453
may file a motion with the sentencing court requesting the 2454
termination of the suspension unless either the offender used a 2455
motor vehicle in the commission of the underlying offense or the 2456
offender also pleaded guilty to or was convicted of a violation 2457
of section 4511.19 of the Revised Code or a substantially 2458
similar municipal ordinance or the law of another state or the 2459
United States arising out of the same set of circumstances as 2460
the offense under this section. The sentencing court, in its 2461
discretion, may terminate the suspension. 2462

(H) Notwithstanding any contrary provision of section 2463
3719.21 of the Revised Code, the clerk of court shall pay a fine 2464
imposed for a violation of this section pursuant to division (A) 2465
of section 2929.18 of the Revised Code in accordance with and 2466
subject to the requirements of division (F) of section 2925.03 2467
of the Revised Code. The agency that receives the fine shall use 2468
the fine as specified in division (F) of section 2925.03 of the 2469
Revised Code. 2470

Sec. 2925.31. (A) Except for lawful research, clinical, 2471
medical, dental, or veterinary purposes, no person, with purpose 2472
to induce intoxication or similar physiological effects, shall 2473
obtain, possess, or use a harmful intoxicant. 2474

(B) Whoever violates this section is guilty of abusing 2475
harmful intoxicants, a misdemeanor of the first degree. If the 2476
offender previously has been convicted of a drug abuse offense, 2477
abusing harmful intoxicants is a felony of the fifth degree. 2478

(C) (1) In addition to any other sanction imposed upon an 2479
offender for a violation of this section, the court ~~shall~~may 2480
suspend for not ~~less than six months or~~ more than five years the 2481
offender's driver's or commercial driver's license or permit. If 2482
the offender is a professionally licensed person, in addition to 2483
any other sanction imposed for a violation of this section, the 2484
court immediately shall comply with section 2925.38 of the 2485
Revised Code. 2486

(2) Any offender who received a mandatory suspension of 2487
the offender's driver's or commercial driver's license or permit 2488
under this section prior to the effective date of this amendment 2489
may file a motion with the sentencing court requesting the 2490
termination of the suspension unless either the offender used a 2491
motor vehicle in the commission of the underlying offense or the 2492
offender also pleaded guilty to or was convicted of a violation 2493
of section 4511.19 of the Revised Code or a substantially 2494
similar municipal ordinance or the law of another state or the 2495
United States arising out of the same set of circumstances as 2496
the offense under this section. The sentencing court, in its 2497
discretion, may terminate the suspension. 2498

Sec. 2925.32. (A) Divisions (A) (1) and (2) of this section 2499
do not apply to the dispensing or distributing of nitrous oxide. 2500

(1) No person shall knowingly dispense or distribute a 2501
harmful intoxicant to a person age eighteen or older if the 2502
person who dispenses or distributes it knows or has reason to 2503
believe that the harmful intoxicant will be used in violation of 2504
section 2925.31 of the Revised Code. 2505

(2) No person shall knowingly dispense or distribute a 2506
harmful intoxicant to a person under age eighteen if the person 2507
who dispenses or distributes it knows or has reason to believe 2508

that the harmful intoxicant will be used in violation of section 2509
2925.31 of the Revised Code. Division (A) (2) of this section 2510
does not prohibit either of the following: 2511

(a) Dispensing or distributing a harmful intoxicant to a 2512
person under age eighteen if a written order from the juvenile's 2513
parent or guardian is provided to the dispenser or distributor; 2514

(b) Dispensing or distributing gasoline or diesel fuel to 2515
a person under age eighteen if the dispenser or distributor does 2516
not know or have reason to believe the product will be used in 2517
violation of section 2925.31 of the Revised Code. Division (A) 2518
(2) (a) of this section does not require a person to obtain a 2519
written order from the parent or guardian of a person under age 2520
eighteen in order to distribute or dispense gasoline or diesel 2521
fuel to the person. 2522

(B) (1) No person shall knowingly dispense or distribute 2523
nitrous oxide to a person age twenty-one or older if the person 2524
who dispenses or distributes it knows or has reason to believe 2525
the nitrous oxide will be used in violation of section 2925.31 2526
of the Revised Code. 2527

(2) Except for lawful medical, dental, or clinical 2528
purposes, no person shall knowingly dispense or distribute 2529
nitrous oxide to a person under age twenty-one. 2530

(3) No person, at the time a cartridge of nitrous oxide is 2531
sold to another person, shall sell a device that allows the 2532
purchaser to inhale nitrous oxide from cartridges or to hold 2533
nitrous oxide released from cartridges for purposes of 2534
inhalation. The sale of any such device constitutes a rebuttable 2535
presumption that the person knew or had reason to believe that 2536
the purchaser intended to abuse the nitrous oxide. 2537

(4) No person who dispenses or distributes nitrous oxide 2538
in cartridges shall fail to comply with either of the following: 2539

(a) The record-keeping requirements established under 2540
division (F) of this section; 2541

(b) The labeling and transaction identification 2542
requirements established under division (G) of this section. 2543

(C) This section does not apply to products used in 2544
making, fabricating, assembling, transporting, or constructing a 2545
product or structure by manual labor or machinery for sale or 2546
lease to another person, or to the mining, refining, or 2547
processing of natural deposits. 2548

(D) (1) (a) Whoever violates division (A) (1) or (2) or 2549
division (B) (1), (2), or (3) of this section is guilty of 2550
trafficking in harmful intoxicants, a felony of the fifth 2551
degree. If the offender previously has been convicted of a drug 2552
abuse offense, trafficking in harmful intoxicants is a felony of 2553
the fourth degree. In addition to any other sanction imposed 2554
upon an offender for trafficking in harmful intoxicants, the 2555
court ~~shall~~ may suspend for not ~~less than six months or more~~ 2556
than five years the offender's driver's or commercial driver's 2557
license or permit. If the offender is a professionally licensed 2558
person, in addition to any other sanction imposed for 2559
trafficking in harmful intoxicants, the court immediately shall 2560
comply with section 2925.38 of the Revised Code. 2561

(b) Any offender who received a mandatory suspension of 2562
the offender's driver's or commercial driver's license or permit 2563
under this section prior to the effective date of this amendment 2564
may file a motion with the sentencing court requesting the 2565
termination of the suspension unless either the offender used a 2566

motor vehicle in the commission of the underlying offense or the 2567
offender also pleaded guilty to or was convicted of a violation 2568
of section 4511.19 of the Revised Code or a substantially 2569
similar municipal ordinance or the law of another state or the 2570
United States arising out of the same set of circumstances as 2571
the offense under this section. The sentencing court, in its 2572
discretion, may terminate the suspension. 2573

(2) Whoever violates division (B) (4) (a) or (b) of this 2574
section is guilty of improperly dispensing or distributing 2575
nitrous oxide, a misdemeanor of the fourth degree. 2576

(E) It is an affirmative defense to a charge of a 2577
violation of division (A) (2) or (B) (2) of this section that: 2578

(1) An individual exhibited to the defendant or an officer 2579
or employee of the defendant, for purposes of establishing the 2580
individual's age, a driver's license or permit issued by this 2581
state, a commercial driver's license or permit issued by this 2582
state, an identification card issued pursuant to section 4507.50 2583
of the Revised Code, for another document that purports to be a 2584
license, permit, or identification card described in this 2585
division; 2586

(2) The document exhibited appeared to be a genuine, 2587
unaltered document, to pertain to the individual, and to 2588
establish the individual's age; 2589

(3) The defendant or the officer or employee of the 2590
defendant otherwise did not have reasonable cause to believe 2591
that the individual was under the age represented. 2592

(F) Beginning July 1, 2001, a person who dispenses or 2593
distributes nitrous oxide shall record each transaction 2594
involving the dispensing or distributing of the nitrous oxide on 2595

a separate card. The person shall require the purchaser to sign 2596
the card and provide a complete residence address. The person 2597
dispensing or distributing the nitrous oxide shall sign and date 2598
the card. The person shall retain the card recording a 2599
transaction for one year from the date of the transaction. The 2600
person shall maintain the cards at the person's business address 2601
and make them available during normal business hours for 2602
inspection and copying by officers or employees of the state 2603
board of pharmacy or of other law enforcement agencies of this 2604
state or the United States that are authorized to investigate 2605
violations of Chapter 2925., 3719., or 4729. of the Revised Code 2606
or the federal drug abuse control laws. 2607

The cards used to record each transaction shall inform the 2608
purchaser of the following: 2609

(1) That nitrous oxide cartridges are to be used only for 2610
purposes of preparing food; 2611

(2) That inhalation of nitrous oxide can have dangerous 2612
health effects; 2613

(3) That it is a violation of state law to distribute or 2614
dispense cartridges of nitrous oxide to any person under age 2615
twenty-one, punishable as a felony of the fifth degree. 2616

(G) (1) Each cartridge of nitrous oxide dispensed or 2617
distributed in this state shall bear the following printed 2618
warning: 2619

"Nitrous oxide cartridges are to be used only for purposes 2620
of preparing food. Nitrous oxide cartridges may not be sold to 2621
persons under age twenty-one. Do not inhale contents. Misuse can 2622
be dangerous to your health." 2623

(2) Each time a person dispenses or distributes one or 2624

more cartridges of nitrous oxide, the person shall mark the 2625
packaging containing the cartridges with a label or other device 2626
that identifies the person who dispensed or distributed the 2627
nitrous oxide and the person's business address. 2628

Sec. 2925.33. (A) As used in this section, "motor 2629
vehicle," "street," and "highway" have the same meanings as in 2630
section 4511.01 of the Revised Code. 2631

(B) Unless authorized under Chapter 3719., 4715., 4729., 2632
4731., 4741., or 4765. of the Revised Code, no person shall 2633
possess an open cartridge of nitrous oxide in either of the 2634
following circumstances: 2635

(1) While operating or being a passenger in or on a motor 2636
vehicle on a street, highway, or other public or private 2637
property open to the public for purposes of vehicular traffic or 2638
parking; 2639

(2) While being in or on a stationary motor vehicle on a 2640
street, highway, or other public or private property open to the 2641
public for purposes of vehicular traffic or parking. 2642

(C) Whoever violates this section is guilty of possessing 2643
nitrous oxide in a motor vehicle, a misdemeanor of the fourth 2644
degree. 2645

(D) In addition to any other sanction imposed upon an 2646
offender for possessing nitrous oxide in a motor vehicle, the 2647
court may suspend for not more than five years the offender's 2648
driver's or commercial driver's license or permit. 2649

Sec. 2925.36. (A) No person shall knowingly furnish 2650
another a sample drug. 2651

(B) Division (A) of this section does not apply to 2652

manufacturers, wholesalers, pharmacists, owners of pharmacies, 2653
licensed health professionals authorized to prescribe drugs, and 2654
other persons whose conduct is in accordance with Chapters 2655
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2656
the Revised Code. 2657

(C) (1) Whoever violates this section is guilty of illegal 2658
dispensing of drug samples. 2659

(2) If the drug involved in the offense is a compound, 2660
mixture, preparation, or substance included in schedule I or II, 2661
with the exception of marihuana, the penalty for the offense 2662
shall be determined as follows: 2663

(a) Except as otherwise provided in division (C) (2) (b) of 2664
this section, illegal dispensing of drug samples is a felony of 2665
the fifth degree, and, subject to division (E) of this section, 2666
division (C) of section 2929.13 of the Revised Code applies in 2667
determining whether to impose a prison term on the offender. 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 felony of the fourth degree, and, subject to 2671
division (E) of this section, division (C) of section 2929.13 of 2672
the Revised Code applies in determining whether to impose a 2673
prison term on the offender. 2674

(3) If the drug involved in the offense is a dangerous 2675
drug or a compound, mixture, preparation, or substance included 2676
in schedule III, IV, or V, or is marihuana, the penalty for the 2677
offense shall be determined as follows: 2678

(a) Except as otherwise provided in division (C) (3) (b) of 2679
this section, illegal dispensing of drug samples is a 2680
misdemeanor of the second degree. 2681

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

(D) ~~(1)~~ In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section ~~shall do both of the following:~~

~~(1) The court shall may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.~~

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

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the effective date of this amendment may file a motion with the sentencing court requesting the termination of the suspension unless either the offender used a motor vehicle in the commission of the underlying offense or the offender also pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the offense under this section. The sentencing court, in its discretion, may terminate the suspension.

(E) Notwithstanding the prison term authorized or required 2712
by division (C) of this section and sections 2929.13 and 2929.14 2713
of the Revised Code, if the violation of division (A) of this 2714
section involves the sale, offer to sell, or possession of a 2715
schedule I or II controlled substance, with the exception of 2716
marihuana, and if the court imposing sentence upon the offender 2717
finds that the offender as a result of the violation is a major 2718
drug offender and is guilty of a specification of the type 2719
described in section 2941.1410 of the Revised Code, the court, 2720
in lieu of the prison term otherwise authorized or required, 2721
shall impose upon the offender the mandatory prison term 2722
specified in division (B) (3) (a) of section 2929.14 of the 2723
Revised Code. 2724

(F) Notwithstanding any contrary provision of section 2725
3719.21 of the Revised Code, the clerk of the court shall pay a 2726
fine imposed for a violation of this section pursuant to 2727
division (A) of section 2929.18 of the Revised Code in 2728
accordance with and subject to the requirements of division (F) 2729
of section 2925.03 of the Revised Code. The agency that receives 2730
the fine shall use the fine as specified in division (F) of 2731
section 2925.03 of the Revised Code. 2732

Sec. 2925.37. (A) No person shall knowingly possess any 2733
counterfeit controlled substance. 2734

(B) No person shall knowingly make, sell, offer to sell, 2735
or deliver any substance that the person knows is a counterfeit 2736
controlled substance. 2737

(C) No person shall make, possess, sell, offer to sell, or 2738
deliver any punch, die, plate, stone, or other device knowing or 2739
having reason to know that it will be used to print or reproduce 2740
a trademark, trade name, or other identifying mark upon a 2741

counterfeit controlled substance. 2742

(D) No person shall sell, offer to sell, give, or deliver 2743
any counterfeit controlled substance to a juvenile. 2744

(E) No person shall directly or indirectly represent a 2745
counterfeit controlled substance as a controlled substance by 2746
describing its effects as the physical or psychological effects 2747
associated with use of a controlled substance. 2748

(F) No person shall directly or indirectly falsely 2749
represent or advertise a counterfeit controlled substance as a 2750
controlled substance. As used in this division, "advertise" 2751
means engaging in "advertisement," as defined in section 3715.01 2752
of the Revised Code. 2753

(G) Whoever violates division (A) of this section is 2754
guilty of possession of counterfeit controlled substances, a 2755
misdemeanor of the first degree. 2756

(H) Whoever violates division (B) or (C) of this section 2757
is guilty of trafficking in counterfeit controlled substances. 2758
Except as otherwise provided in this division, trafficking in 2759
counterfeit controlled substances is a felony of the fifth 2760
degree, and division (C) of section 2929.13 of the Revised Code 2761
applies in determining whether to impose a prison term on the 2762
offender. If the offense was committed in the vicinity of a 2763
school or in the vicinity of a juvenile, trafficking in 2764
counterfeit controlled substances is a felony of the fourth 2765
degree, and division (C) of section 2929.13 of the Revised Code 2766
applies in determining whether to impose a prison term on the 2767
offender. 2768

(I) Whoever violates division (D) of this section is 2769
guilty of aggravated trafficking in counterfeit controlled 2770

substances. Except as otherwise provided in this division, 2771
aggravated trafficking in counterfeit controlled substances is a 2772
felony of the fourth degree, and division (C) of section 2929.13 2773
of the Revised Code applies in determining whether to impose a 2774
prison term on the offender. 2775

(J) Whoever violates division (E) of this section is 2776
guilty of promoting and encouraging drug abuse. Except as 2777
otherwise provided in this division, promoting and encouraging 2778
drug abuse is a felony of the fifth degree, and division (C) of 2779
section 2929.13 of the Revised Code applies in determining 2780
whether to impose a prison term on the offender. If the offense 2781
was committed in the vicinity of a school or in the vicinity of 2782
a juvenile, promoting and encouraging drug abuse is a felony of 2783
the fourth degree, and division (C) of section 2929.13 of the 2784
Revised Code applies in determining whether to impose a prison 2785
term on the offender. 2786

(K) Whoever violates division (F) of this section is 2787
guilty of fraudulent drug advertising. Except as otherwise 2788
provided in this division, fraudulent drug advertising is a 2789
felony of the fifth degree, and division (C) of section 2929.13 2790
of the Revised Code applies in determining whether to impose a 2791
prison term on the offender. If the offense was committed in the 2792
vicinity of a school or in the vicinity of a juvenile, 2793
fraudulent drug advertising is a felony of the fourth degree, 2794
and division (C) of section 2929.13 of the Revised Code applies 2795
in determining whether to impose a prison term on the offender. 2796

(L) (1) In addition to any prison term authorized or 2797
required by divisions (H) to (K) of this section and sections 2798
2929.13 and 2929.14 of the Revised Code and in addition to any 2799
other sanction imposed for the offense under this section or 2800

sections 2929.11 to 2929.18 of the Revised Code, the court that 2801
sentences an offender who is convicted of or pleads guilty to a 2802
violation of division (B), (C), (D), (E), or (F) of this section 2803
~~shall do both of the following:~~ 2804

~~(1) The court shall may suspend for not less than six~~ 2805
~~months or more than five years the offender's driver's or~~ 2806
~~commercial driver's license or permit.~~ 2807

~~(2) If the offender is a professionally licensed person,~~ 2808
in addition to any other sanction imposed for a violation of 2809
this section, the court immediately shall comply with section 2810
2925.38 of the Revised Code. 2811

(2) Any offender who received a mandatory suspension of 2812
the offender's driver's or commercial driver's license or permit 2813
under this section prior to the effective date of this amendment 2814
may file a motion with the sentencing court requesting the 2815
termination of the suspension unless either the offender used a 2816
motor vehicle in the commission of the underlying offense or the 2817
offender also pleaded guilty to or was convicted of a violation 2818
of section 4511.19 of the Revised Code or a substantially 2819
similar municipal ordinance or the law of another state or the 2820
United States arising out of the same set of circumstances as 2821
the offense under this section. The sentencing court, in its 2822
discretion, may terminate the suspension. 2823

(M) Notwithstanding any contrary provision of section 2824
3719.21 of the Revised Code, the clerk of the court shall pay a 2825
fine imposed for a violation of this section pursuant to 2826
division (A) of section 2929.18 of the Revised Code in 2827
accordance with and subject to the requirements of division (F) 2828
of section 2925.03 of the Revised Code. The agency that receives 2829
the fine shall use the fine as specified in division (F) of 2830

section 2925.03 of the Revised Code. 2831

Sec. 4510.021. (A) Unless expressly prohibited by section 2832
2919.22, section 4510.13, or any other section of the Revised 2833
Code, a court may grant limited driving privileges for any 2834
purpose described in division (A) ~~(1), (2), or (3)~~ of this 2835
section during any suspension imposed by the court. In granting 2836
the privileges, the court shall specify the purposes, times, and 2837
places of the privileges and may impose any other reasonable 2838
conditions on the person's driving of a motor vehicle. The 2839
privileges shall be for any of the following limited purposes: 2840

(1) Occupational, educational, vocational, or medical 2841
purposes; 2842

(2) Taking the driver's or commercial driver's license 2843
examination; 2844

(3) Attending court-ordered treatment; 2845

(4) Any other purpose the court determines to be 2846
appropriate. 2847

(B) Unless expressly authorized by a section of the 2848
Revised Code, a court may not grant limited driving privileges 2849
during any suspension imposed by the bureau of motor vehicles. 2850
To obtain limited driving privileges during a suspension imposed 2851
by the bureau, the person under suspension may file a petition 2852
in a court of record in the county in which the person resides. 2853
A person who is not a resident of this state shall file any 2854
petition for privileges either in the Franklin county municipal 2855
court or in the municipal or county court located in the county 2856
where the offense occurred. If the person who is not a resident 2857
of this state is a minor, the person may file the petition 2858
either in the Franklin county juvenile court or in the juvenile 2859

court with jurisdiction over the offense. If a court grants 2860
limited driving privileges as described in this division, the 2861
privileges shall be for any of the limited purposes identified 2862
in division (A) of this section. 2863

(C) When the use of an immobilizing or disabling device is 2864
not otherwise required by law, the court, as a condition of 2865
granting limited driving privileges, may require that the 2866
person's vehicle be equipped with an immobilizing or disabling 2867
device, except as provided in division (C) of section 4510.43 of 2868
the Revised Code. When the use of restricted license plates 2869
issued under section 4503.231 of the Revised Code is not 2870
otherwise required by law, the court, as a condition of granting 2871
limited driving privileges, may require that the person's 2872
vehicle be equipped with restricted license plates of that 2873
nature, except as provided in division (B) of that section. 2874

(D) When the court grants limited driving privileges under 2875
section 4510.31 of the Revised Code or any other provision of 2876
law during the suspension of the temporary instruction permit or 2877
probationary driver's license of a person who is under eighteen 2878
years of age, the court may include as a purpose of the 2879
privilege the person's practicing of driving with the person's 2880
parent, guardian, or other custodian during the period of the 2881
suspension. If the court grants limited driving privileges for 2882
this purpose, the court, in addition to all other conditions it 2883
imposes, shall impose as a condition that the person exercise 2884
the privilege only when a parent, guardian, or custodian of the 2885
person who holds a current valid driver's or commercial driver's 2886
license issued by this state actually occupies the seat beside 2887
the person in the vehicle the person is operating. 2888

(E) Before granting limited driving privileges under this 2889

section, the court shall require the offender to provide proof 2890
of financial responsibility pursuant to section 4509.45 of the 2891
Revised Code. 2892

Sec. 4510.17. (A) The registrar of motor vehicles shall 2893
impose a class D suspension of the person's driver's license, 2894
commercial driver's license, temporary instruction permit, 2895
probationary license, or nonresident operating privilege for the 2896
period of time specified in division (B) (4) of section 4510.02 2897
of the Revised Code on any person who is a resident of this 2898
state and is convicted of or pleads guilty to a violation of a 2899
statute of any other state or any federal statute that is 2900
substantially similar to section 2925.02, 2925.03, 2925.04, 2901
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2902
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2903
2925.37 of the Revised Code. Upon receipt of a report from a 2904
court, court clerk, or other official of any other state or from 2905
any federal authority that a resident of this state was 2906
convicted of or pleaded guilty to an offense described in this 2907
division, the registrar shall send a notice by regular first 2908
class mail to the person, at the person's last known address as 2909
shown in the records of the bureau of motor vehicles, informing 2910
the person of the suspension, that the suspension will take 2911
effect twenty-one days from the date of the notice, and that, if 2912
the person wishes to appeal the suspension or denial, the person 2913
must file a notice of appeal within twenty-one days of the date 2914
of the notice requesting a hearing on the matter. If the person 2915
requests a hearing, the registrar shall hold the hearing not 2916
more than forty days after receipt by the registrar of the 2917
notice of appeal. The filing of a notice of appeal does not stay 2918
the operation of the suspension that must be imposed pursuant to 2919
this division. The scope of the hearing shall be limited to 2920

whether the person actually was convicted of or pleaded guilty 2921
to the offense for which the suspension is to be imposed. 2922

The suspension the registrar is required to impose under 2923
this division shall end either on the last day of the class D 2924
suspension period or of the suspension of the person's 2925
nonresident operating privilege imposed by the state or federal 2926
court, whichever is earlier. 2927

The registrar shall subscribe to or otherwise participate 2928
in any information system or register, or enter into reciprocal 2929
and mutual agreements with other states and federal authorities, 2930
in order to facilitate the exchange of information with other 2931
states and the United States government regarding persons who 2932
plead guilty to or are convicted of offenses described in this 2933
division and therefore are subject to the suspension or denial 2934
described in this division. 2935

(B) The registrar shall impose a class D suspension of the 2936
person's driver's license, commercial driver's license, 2937
temporary instruction permit, probationary license, or 2938
nonresident operating privilege for the period of time specified 2939
in division (B) (4) of section 4510.02 of the Revised Code on any 2940
person who is a resident of this state and is convicted of or 2941
pleads guilty to a violation of a statute of any other state or 2942
a municipal ordinance of a municipal corporation located in any 2943
other state that is substantially similar to section 4511.19 of 2944
the Revised Code. Upon receipt of a report from another state 2945
made pursuant to section 4510.61 of the Revised Code indicating 2946
that a resident of this state was convicted of or pleaded guilty 2947
to an offense described in this division, the registrar shall 2948
send a notice by regular first class mail to the person, at the 2949
person's last known address as shown in the records of the 2950

bureau of motor vehicles, informing the person of the 2951
suspension, that the suspension or denial will take effect 2952
twenty-one days from the date of the notice, and that, if the 2953
person wishes to appeal the suspension, the person must file a 2954
notice of appeal within twenty-one days of the date of the 2955
notice requesting a hearing on the matter. If the person 2956
requests a hearing, the registrar shall hold the hearing not 2957
more than forty days after receipt by the registrar of the 2958
notice of appeal. The filing of a notice of appeal does not stay 2959
the operation of the suspension that must be imposed pursuant to 2960
this division. The scope of the hearing shall be limited to 2961
whether the person actually was convicted of or pleaded guilty 2962
to the offense for which the suspension is to be imposed. 2963

The suspension the registrar is required to impose under 2964
this division shall end either on the last day of the class D 2965
suspension period or of the suspension of the person's 2966
nonresident operating privilege imposed by the state or federal 2967
court, whichever is earlier. 2968

(C) The registrar shall impose a class D suspension of the 2969
child's driver's license, commercial driver's license, temporary 2970
instruction permit, or nonresident operating privilege for the 2971
period of time specified in division (B) (4) of section 4510.02 2972
of the Revised Code on any child who is a resident of this state 2973
and is convicted of or pleads guilty to a violation of a statute 2974
of any other state or any federal statute that is substantially 2975
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2976
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2977
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2978
Code. Upon receipt of a report from a court, court clerk, or 2979
other official of any other state or from any federal authority 2980
that a child who is a resident of this state was convicted of or 2981

pleaded guilty to an offense described in this division, the 2982
registrar shall send a notice by regular first class mail to the 2983
child, at the child's last known address as shown in the records 2984
of the bureau of motor vehicles, informing the child of the 2985
suspension, that the suspension or denial will take effect 2986
twenty-one days from the date of the notice, and that, if the 2987
child wishes to appeal the suspension, the child must file a 2988
notice of appeal within twenty-one days of the date of the 2989
notice requesting a hearing on the matter. If the child requests 2990
a hearing, the registrar shall hold the hearing not more than 2991
forty days after receipt by the registrar of the notice of 2992
appeal. The filing of a notice of appeal does not stay the 2993
operation of the suspension that must be imposed pursuant to 2994
this division. The scope of the hearing shall be limited to 2995
whether the child actually was convicted of or pleaded guilty to 2996
the offense for which the suspension is to be imposed. 2997

The suspension the registrar is required to impose under 2998
this division shall end either on the last day of the class D 2999
suspension period or of the suspension of the child's 3000
nonresident operating privilege imposed by the state or federal 3001
court, whichever is earlier. If the child is a resident of this 3002
state who is sixteen years of age or older and does not have a 3003
current, valid Ohio driver's or commercial driver's license or 3004
permit, the notice shall inform the child that the child will be 3005
denied issuance of a driver's or commercial driver's license or 3006
permit for six months beginning on the date of the notice. If 3007
the child has not attained the age of sixteen years on the date 3008
of the notice, the notice shall inform the child that the period 3009
of denial of six months shall commence on the date the child 3010
attains the age of sixteen years. 3011

The registrar shall subscribe to or otherwise participate 3012

in any information system or register, or enter into reciprocal 3013
and mutual agreements with other states and federal authorities, 3014
in order to facilitate the exchange of information with other 3015
states and the United States government regarding children who 3016
are residents of this state and plead guilty to or are convicted 3017
of offenses described in this division and therefore are subject 3018
to the suspension or denial described in this division. 3019

(D) The registrar shall impose a class D suspension of the 3020
child's driver's license, commercial driver's license, temporary 3021
instruction permit, probationary license, or nonresident 3022
operating privilege for the period of time specified in division 3023
(B) (4) of section 4510.02 of the Revised Code on any child who 3024
is a resident of this state and is convicted of or pleads guilty 3025
to a violation of a statute of any other state or a municipal 3026
ordinance of a municipal corporation located in any other state 3027
that is substantially similar to section 4511.19 of the Revised 3028
Code. Upon receipt of a report from another state made pursuant 3029
to section 4510.61 of the Revised Code indicating that a child 3030
who is a resident of this state was convicted of or pleaded 3031
guilty to an offense described in this division, the registrar 3032
shall send a notice by regular first class mail to the child, at 3033
the child's last known address as shown in the records of the 3034
bureau of motor vehicles, informing the child of the suspension, 3035
that the suspension will take effect twenty-one days from the 3036
date of the notice, and that, if the child wishes to appeal the 3037
suspension, the child must file a notice of appeal within 3038
twenty-one days of the date of the notice requesting a hearing 3039
on the matter. If the child requests a hearing, the registrar 3040
shall hold the hearing not more than forty days after receipt by 3041
the registrar of the notice of appeal. The filing of a notice of 3042
appeal does not stay the operation of the suspension that must 3043

be imposed pursuant to this division. The scope of the hearing 3044
shall be limited to whether the child actually was convicted of 3045
or pleaded guilty to the offense for which the suspension is to 3046
be imposed. 3047

The suspension the registrar is required to impose under 3048
this division shall end either on the last day of the class D 3049
suspension period or of the suspension of the child's 3050
nonresident operating privilege imposed by the state or federal 3051
court, whichever is earlier. If the child is a resident of this 3052
state who is sixteen years of age or older and does not have a 3053
current, valid Ohio driver's or commercial driver's license or 3054
permit, the notice shall inform the child that the child will be 3055
denied issuance of a driver's or commercial driver's license or 3056
permit for six months beginning on the date of the notice. If 3057
the child has not attained the age of sixteen years on the date 3058
of the notice, the notice shall inform the child that the period 3059
of denial of six months shall commence on the date the child 3060
attains the age of sixteen years. 3061

(E) (1) Any person whose license or permit has been 3062
suspended pursuant to this section may file a petition in the 3063
municipal or county court, or in case the person is under 3064
eighteen years of age, the juvenile court, in whose jurisdiction 3065
the person resides, requesting limited driving privileges and 3066
~~agreeing to pay the cost of the proceedings and alleging that~~ 3067
~~the suspension would seriously affect the person's ability to~~ 3068
~~continue the person's employment. Upon satisfactory proof that~~ 3069
~~there is reasonable cause to believe that the suspension would~~ 3070
~~seriously affect the person's ability to continue the person's~~ 3071
~~employment, the~~. Except as provided in division (E) (2) of this 3072
section, the judge may grant the person limited driving 3073
privileges during the period during which the suspension 3074

otherwise would be imposed, ~~except that the~~ for any of the 3075
purposes set forth in division (A) of section 4510.021 of the 3076
Revised Code. 3077

(2) No judge shall not grant limited driving privileges 3078
for employment as a driver of a commercial motor vehicle to any 3079
person who would be disqualified from operating a commercial 3080
motor vehicle under section 4506.16 of the Revised Code if the 3081
violation had occurred in this state, ~~or~~. Further, no judge 3082
shall grant limited driving privileges during any of the 3083
following periods of time: 3084

~~(1)~~ (a) The first fifteen days of a suspension under 3085
division (B) or (D) of this section, if the person has not been 3086
convicted within six years of the date of the offense giving 3087
rise to the suspension under this section of a violation of any 3088
of the following: 3089

~~(a)~~ (i) Section 4511.19 of the Revised Code, or a 3090
municipal ordinance relating to operating a vehicle while under 3091
the influence of alcohol, a drug of abuse, or alcohol and a drug 3092
of abuse; 3093

~~(b)~~ (ii) A municipal ordinance relating to operating a 3094
motor vehicle with a prohibited concentration of alcohol, a 3095
controlled substance, or a metabolite of a controlled substance 3096
in the whole blood, blood serum or plasma, breath, or urine; 3097

~~(c)~~ (iii) Section 2903.04 of the Revised Code in a case in 3098
which the person was subject to the sanctions described in 3099
division (D) of that section; 3100

~~(d)~~ (iv) Division (A) (1) of section 2903.06 or division 3101
(A) (1) of section 2903.08 of the Revised Code or a municipal 3102
ordinance that is substantially similar to either of those 3103

divisions; 3104

~~(e)~~(v) Division (A) (2), (3), or (4) of section 2903.06, 3105
division (A) (2) of section 2903.08, or as it existed prior to 3106
March 23, 2000, section 2903.07 of the Revised Code, or a 3107
municipal ordinance that is substantially similar to any of 3108
those divisions or that former section, in a case in which the 3109
jury or judge found that the person was under the influence of 3110
alcohol, a drug of abuse, or alcohol and a drug of abuse. 3111

~~(2)~~(b) The first thirty days of a suspension under 3112
division (B) or (D) of this section, if the person has been 3113
convicted one time within six years of the date of the offense 3114
giving rise to the suspension under this section of any 3115
violation identified in division (E) (1) of this section. 3116

~~(3)~~(c) The first one hundred eighty days of a suspension 3117
under division (B) or (D) of this section, if the person has 3118
been convicted two times within six years of the date of the 3119
offense giving rise to the suspension under this section of any 3120
violation identified in division (E) (1) of this section. 3121

~~(4)~~(d) No limited driving privileges may be granted if 3122
the person has been convicted three or more times within five 3123
years of the date of the offense giving rise to a suspension 3124
under division (B) or (D) of this section of any violation 3125
identified in division (E) (1) of this section. 3126

(3) If a person petitions for limited driving privileges 3127
under division (E) (1) of this section, the registrar shall be 3128
represented by the county prosecutor of the county in which the 3129
person resides if the petition is filed in a juvenile court or 3130
county court, except that if the person resides within a city or 3131
village that is located within the jurisdiction of the county in 3132

which the petition is filed, the city director of law or village 3133
solicitor of that city or village shall represent the registrar. 3134
If the petition is filed in a municipal court, the registrar 3135
shall be represented as provided in section 1901.34 of the 3136
Revised Code. 3137

(4) In granting limited driving privileges under division 3138
(E) of this section, the court may impose any condition it 3139
considers reasonable and necessary to limit the use of a vehicle 3140
by the person. The court shall deliver to the person a permit 3141
card, in a form to be prescribed by the court, setting forth the 3142
time, place, and other conditions limiting the person's use of a 3143
motor vehicle. The grant of limited driving privileges shall be 3144
conditioned upon the person's having the permit in the person's 3145
possession at all times during which the person is operating a 3146
vehicle. 3147

(5) A person granted limited driving privileges who 3148
operates a vehicle for other than limited purposes, in violation 3149
of any condition imposed by the court or without having the 3150
permit in the person's possession, is guilty of a violation of 3151
section 4510.11 of the Revised Code. 3152

(F) Any person whose license or permit has been suspended 3153
under division (A) or (C) of this section may file a petition in 3154
the municipal or county court, or in case the person is under 3155
eighteen years of age, the juvenile court, in whose jurisdiction 3156
the person resides, requesting the termination of the suspension 3157
and agreeing to pay the cost of the proceedings. If the court, 3158
in its discretion, determines that a termination of the 3159
suspension is appropriate, the court shall issue an order to the 3160
registrar to terminate the suspension. Upon receiving such an 3161
order, the registrar shall reinstate the license. 3162

(G) As used in divisions (C) and (D) of this section: 3163

(1) "Child" means a person who is under the age of 3164
eighteen years, except that any person who violates a statute or 3165
ordinance described in division (C) or (D) of this section prior 3166
to attaining eighteen years of age shall be deemed a "child" 3167
irrespective of the person's age at the time the complaint or 3168
other equivalent document is filed in the other state or a 3169
hearing, trial, or other proceeding is held in the other state 3170
on the complaint or other equivalent document, and irrespective 3171
of the person's age when the period of license suspension or 3172
denial prescribed in division (C) or (D) of this section is 3173
imposed. 3174

(2) "Is convicted of or pleads guilty to" means, as it 3175
relates to a child who is a resident of this state, that in a 3176
proceeding conducted in a state or federal court located in 3177
another state for a violation of a statute or ordinance 3178
described in division (C) or (D) of this section, the result of 3179
the proceeding is any of the following: 3180

(a) Under the laws that govern the proceedings of the 3181
court, the child is adjudicated to be or admits to being a 3182
delinquent child or a juvenile traffic offender for a violation 3183
described in division (C) or (D) of this section that would be a 3184
crime if committed by an adult; 3185

(b) Under the laws that govern the proceedings of the 3186
court, the child is convicted of or pleads guilty to a violation 3187
described in division (C) or (D) of this section; 3188

(c) Under the laws that govern the proceedings of the 3189
court, irrespective of the terminology utilized in those laws, 3190
the result of the court's proceedings is the functional 3191

equivalent of division ~~(F)~~(G)(2)(a) or (b) of this section. 3192

Sec. 4510.31. (A)(1) Except as provided in division (C)(1) 3193
or (2) of this section, the registrar of motor vehicles shall 3194
suspend the probationary driver's license, restricted license, 3195
or temporary instruction permit issued to any person when the 3196
person has been convicted of, pleaded guilty to, or been 3197
adjudicated in juvenile court of having committed, prior to the 3198
person's eighteenth birthday, any of the following: 3199

(a) Three separate violations of section 2903.06, 2903.08, 3200
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 3201
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 3202
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 3203
Revised Code, section 4510.14 of the Revised Code involving a 3204
suspension imposed under section 4511.191 or 4511.196 of the 3205
Revised Code, section 2903.04 of the Revised Code in a case in 3206
which the person would have been subject to the sanctions 3207
described in division (D) of that section had the person been 3208
convicted of the violation of that section, former section 3209
2903.07 of the Revised Code, or any municipal ordinances 3210
similarly relating to the offenses referred to in those 3211
sections; 3212

(b) One violation of section 4511.19 of the Revised Code 3213
or a substantially similar municipal ordinance; 3214

(c) Two separate violations of any of the Revised Code 3215
sections referred to in division (A)(1)(a) of this section, or 3216
any municipal ordinance that is substantially similar to any of 3217
those sections. 3218

(2) Any person whose license or permit is suspended under 3219
division (A)(1)(a), (b), or (c) of this section shall mail or 3220

deliver the person's probationary driver's license, restricted 3221
license, or temporary instruction permit to the registrar within 3222
fourteen days of notification of the suspension. The registrar 3223
shall retain the license or permit during the period of the 3224
suspension. A suspension pursuant to division (A)(1)(a) of this 3225
section shall be a class C suspension, a suspension pursuant to 3226
division (A)(1)(b) of this section shall be a class D 3227
suspension, and a suspension pursuant to division (A)(1)(c) of 3228
this section shall be a class E suspension, all for the periods 3229
of time specified in division (B) of section 4510.02 of the 3230
Revised Code. If the person's probationary driver's license, 3231
restricted license, or temporary instruction permit is under 3232
suspension on the date the court imposes sentence upon the 3233
person for a violation described in division (A)(1)(b) of this 3234
section, the suspension shall take effect on the next day 3235
immediately following the end of that period of suspension. If 3236
the person is sixteen years of age or older and pleads guilty to 3237
or is convicted of a violation described in division (A)(1)(b) 3238
of this section and the person does not have a current, valid 3239
probationary driver's license, restricted license, or temporary 3240
instruction permit, the registrar shall deny the issuance to the 3241
person of a probationary driver's license, restricted license, 3242
driver's license, commercial driver's license, or temporary 3243
instruction permit, as the case may be, for six months beginning 3244
on the date the court imposes sentence upon the person for the 3245
violation. If the person has not attained the age of sixteen 3246
years on the date the court imposes sentence upon the person for 3247
the violation, the period of denial shall commence on the date 3248
the person attains the age of sixteen years. 3249

(3) The registrar shall suspend the person's license or 3250
permit under division (A) of this section regardless of whether 3251

the disposition of the case in juvenile court occurred after the 3252
person's eighteenth birthday. 3253

(B) The registrar also shall impose a class D suspension 3254
for the period of time specified in division (B) (4) of section 3255
4510.02 of the Revised Code of the temporary instruction permit 3256
or probationary driver's license of any person under the age of 3257
eighteen who has been adjudicated an unruly child, delinquent 3258
child, or juvenile traffic offender for having committed any act 3259
that if committed by an adult would be a drug abuse offense or a 3260
violation of division (B) of section 2917.11 of the Revised 3261
Code. The registrar, in the registrar's discretion, may 3262
terminate the suspension if the child, at the discretion of the 3263
court, attends and satisfactorily completes a drug abuse or 3264
alcohol abuse education, intervention, or treatment program 3265
specified by the court. Any person whose temporary instruction 3266
permit or probationary driver's license is suspended under this 3267
division shall mail or deliver the person's permit or license to 3268
the registrar within fourteen days of notification of the 3269
suspension. The registrar shall retain the permit or license 3270
during the period of the suspension. 3271

(C) (1) (a) Except as provided in division (C) (1) (c) of this 3272
section, for any person who is convicted of, pleads guilty to, 3273
or is adjudicated in juvenile court of having committed a second 3274
or third violation of section 4511.12, 4511.13, 4511.20 to 3275
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 3276
4511.75 of the Revised Code or any similar municipal ordinances 3277
and whose license or permit is suspended under division (A) (1) 3278
(a) or (c) of this section, the court in which the second or 3279
third conviction, finding, plea, or adjudication resulting in 3280
the suspension was made, upon petition of the person, may grant 3281
the person limited driving privileges during the period during 3282

which the suspension otherwise would be imposed under division 3283
(A) (1) (a) or (c) of this section ~~if the court finds reasonable~~ 3284
~~cause to believe that the suspension will seriously affect the~~ 3285
~~person's ability to continue in employment, educational~~ 3286
~~training, vocational training, or treatment~~ for any of the 3287
purposes set forth in division (A) of section 4510.021 of the 3288
Revised Code. In granting the limited driving privileges, the 3289
court shall specify the purposes, times, and places of the 3290
privileges and may impose any other conditions upon the person's 3291
driving a motor vehicle that the court considers reasonable and 3292
necessary. 3293

A court that grants limited driving privileges to a person 3294
under this division shall retain the person's probationary 3295
driver's license, restricted license, or temporary instruction 3296
permit during the period the license or permit is suspended and 3297
also during the period for which limited driving privileges are 3298
granted, and shall deliver to the person a permit card, in a 3299
form to be prescribed by the court, setting forth the date on 3300
which the limited driving privileges will become effective, the 3301
purposes for which the person may drive, the times and places at 3302
which the person may drive, and any other conditions imposed 3303
upon the person's use of a motor vehicle. 3304

The court immediately shall notify the registrar, in 3305
writing, of a grant of limited driving privileges under this 3306
division. The notification shall specify the date on which the 3307
limited driving privileges will become effective, the purposes 3308
for which the person may drive, the times and places at which 3309
the person may drive, and any other conditions imposed upon the 3310
person's use of a motor vehicle. The registrar shall not suspend 3311
the probationary driver's license, restricted license, or 3312
temporary instruction permit of any person pursuant to division 3313

(A) of this section during any period for which the person has 3314
been granted limited driving privileges as provided in this 3315
division, if the registrar has received the notification 3316
described in this division from the court. 3317

(b) Except as provided in division (C) (1) (c) of this 3318
section, in any case in which the temporary instruction permit 3319
or probationary driver's license of a person under eighteen 3320
years of age has been suspended under division (A) or (B) of 3321
this section or any other provision of law, the court may grant 3322
the person limited driving privileges for the purpose of the 3323
person's practicing of driving with the person's parent, 3324
guardian, or other custodian during the period of the 3325
suspension. Any grant of limited driving privileges under this 3326
division shall comply with division (D) of section 4510.021 of 3327
the Revised Code. 3328

(c) A court shall not grant limited driving privileges to 3329
a person identified in division (C) (1) (a) or (b) of this section 3330
if the person, within the preceding six years, has been 3331
convicted of, pleaded guilty to, or adjudicated in juvenile 3332
court of having committed three or more violations of one or 3333
more of the divisions or sections set forth in divisions (G) (2) 3334
(b) to (g) of section 2919.22 of the Revised Code. 3335

(2) (a) In a case in which a person is convicted of, pleads 3336
guilty to, or is adjudicated in juvenile court of having 3337
committed, prior to the person's eighteenth birthday, a second 3338
or third violation of section 4511.12, 4511.13, 4511.20 to 3339
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 3340
4511.75 of the Revised Code or any similar municipal ordinances 3341
and division (A) (1) (a) or (c) of this section requires the 3342
registrar of motor vehicles to suspend the person's license or 3343

permit, the court in which the person is convicted of, pleads 3344
guilty to, or is adjudicated of having committed the second or 3345
third violation may elect to order the registrar of motor 3346
vehicles to waive the suspension if all of the following apply: 3347

(i) Prior to the date on which the court imposes sentence 3348
upon, or makes an order of disposition for, the person for the 3349
second or third violation, the person submits to the court a 3350
petition requesting the court to order the registrar to waive 3351
the prescribed suspension and describing the reasons why the 3352
person believes the suspension, if imposed, would seriously 3353
affect the person's ability to continue in employment, 3354
educational training, vocational training, or treatment. 3355

(ii) Prior to the date specified in division (C) (2) (a) (i) 3356
of this section, the person submits to the court satisfactory 3357
proof showing that the person successfully completed an advanced 3358
juvenile driver improvement program approved by the director of 3359
public safety under division (B) of section 4510.311 of the 3360
Revised Code after the date the person committed that second or 3361
third violation. 3362

(iii) Prior to imposing sentence upon, or making an order 3363
of disposition for, the person for the second or third 3364
violation, the court finds reasonable cause to believe that the 3365
suspension, if imposed, would seriously affect the person's 3366
ability to continue in employment, educational training, 3367
vocational training, or treatment. 3368

(iv) If the court is imposing sentence upon, or making an 3369
order of disposition for, the person for a third violation, the 3370
person did not submit to the court that imposed sentence upon, 3371
or made an order of disposition for, the person for the second 3372
violation a petition of the type described in division (C) (2) (a) 3373

(i) of this section, and the court that imposed sentence upon, 3374
or made an order of disposition for, the person for that second 3375
violation did not order the registrar of motor vehicles to waive 3376
the suspension of the person's license or permit required under 3377
division (A)(1)(c) of this section for the conviction of, plea 3378
of guilty to, or adjudication in juvenile court of having 3379
committed that second violation. 3380

(b) If a court elects pursuant to division (C)(2)(a) of 3381
this section to order the registrar of motor vehicles to waive a 3382
suspension that otherwise is required under division (A)(1)(a) 3383
or (c) of this section, the court immediately shall send a 3384
written copy of the order to the registrar. Upon receipt of the 3385
written copy of the order, the registrar shall not suspend 3386
pursuant to division (A)(1)(a) or (c) of this section the 3387
probationary driver's license, restricted license, or temporary 3388
instruction permit of the person who is the subject of the order 3389
for the second or third violation for which the suspension 3390
otherwise would be imposed under that division. 3391

(D) If a person who has been granted limited driving 3392
privileges under division (C)(1) of this section is convicted 3393
of, pleads guilty to, or is adjudicated in juvenile court of 3394
having committed, a violation of Chapter 4510. of the Revised 3395
Code, or a subsequent violation of any of the sections of the 3396
Revised Code listed in division (A)(1)(a) of this section or any 3397
similar municipal ordinance during the period for which the 3398
person was granted limited driving privileges, the court that 3399
granted the limited driving privileges shall suspend the 3400
person's permit card. The court or the clerk of the court 3401
immediately shall forward the person's probationary driver's 3402
license, restricted license, or temporary instruction permit 3403
together with written notification of the court's action to the 3404

registrar. Upon receipt of the license or permit and 3405
notification, the registrar shall impose a class C suspension of 3406
the person's probationary driver's license, restricted license, 3407
or temporary instruction permit for the period of time specified 3408
in division (B) (3) of section 4510.02 of the Revised Code. The 3409
registrar shall retain the license or permit during the period 3410
of suspension, and no further limited driving privileges shall 3411
be granted during that period. 3412

(E) No application for a driver's or commercial driver's 3413
license shall be received from any person whose probationary 3414
driver's license, restricted license, or temporary instruction 3415
permit has been suspended under this section until each of the 3416
following has occurred: 3417

(1) The suspension period has expired; 3418

(2) A temporary instruction permit or commercial driver's 3419
license temporary instruction permit has been issued; 3420

(3) The person successfully completes a juvenile driver 3421
improvement program approved by the director of public safety 3422
under division (A) of section 4510.311 of the Revised Code; 3423

(4) The applicant has submitted to the examination for a 3424
driver's license as provided for in section 4507.11 or a 3425
commercial driver's license as provided in Chapter 4506. of the 3426
Revised Code. 3427

Section 2. That existing sections 2925.02, 2925.03, 3428
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 3429
2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 3430
2925.36, 2925.37, 4510.021, 4510.17, and 4510.31 of the Revised 3431
Code are hereby repealed. 3432