

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 210**

**Representatives Upchurch, Denson**

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**A BILL**

To amend sections 2925.01, 2925.04, 2925.11, and 1  
2929.14 and to enact sections 2925.042, 2  
2925.043, 2925.111, and 2953.39 of the Revised 3  
Code to allow for the cultivation and possession 4  
of marihuana, to modify possession and 5  
cultivation penalties, and to allow for 6  
expungement of certain marihuana convictions. 7

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

**Section 1.** That sections 2925.01, 2925.04, 2925.11, and 8  
2929.14 be amended and sections 2925.042, 2925.043, 2925.111, 9  
and 2953.39 of the Revised Code be enacted to read as follows: 10

**Sec. 2925.01.** As used in this chapter: 11

(A) "Administer," "controlled substance," "controlled 12  
substance analog," "dispense," "distribute," "hypodermic," 13  
"manufacturer," "official written order," "person," 14  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 15  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 16  
have the same meanings as in section 3719.01 of the Revised 17  
Code. 18

(B) "Drug dependent person" and "drug of abuse" have the 19

same meanings as in section 3719.011 of the Revised Code. 20

(C) "Drug," "dangerous drug," "licensed health 21  
professional authorized to prescribe drugs," and "prescription" 22  
have the same meanings as in section 4729.01 of the Revised 23  
Code. 24

(D) "Bulk amount" of a controlled substance means any of 25  
the following: 26

(1) For any compound, mixture, preparation, or substance 27  
included in schedule I, schedule II, or schedule III, with the 28  
exception of any controlled substance analog, marihuana, 29  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 30  
hashish and except as provided in division (D) (2), (5), or (6) 31  
of this section, whichever of the following is applicable: 32

(a) An amount equal to or exceeding ten grams or twenty- 33  
five unit doses of a compound, mixture, preparation, or 34  
substance that is or contains any amount of a schedule I opiate 35  
or opium derivative; 36

(b) An amount equal to or exceeding ten grams of a 37  
compound, mixture, preparation, or substance that is or contains 38  
any amount of raw or gum opium; 39

(c) An amount equal to or exceeding thirty grams or ten 40  
unit doses of a compound, mixture, preparation, or substance 41  
that is or contains any amount of a schedule I hallucinogen 42  
other than tetrahydrocannabinol or lysergic acid amide, or a 43  
schedule I stimulant or depressant; 44

(d) An amount equal to or exceeding twenty grams or five 45  
times the maximum daily dose in the usual dose range specified 46  
in a standard pharmaceutical reference manual of a compound, 47  
mixture, preparation, or substance that is or contains any 48

amount of a schedule II opiate or opium derivative;	49
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	50 51 52
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;	53 54 55 56 57 58 59 60 61 62 63
(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.	64 65 66 67 68 69
(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;	70 71 72 73 74 75 76
(3) An amount equal to or exceeding twenty grams or five	77

times the maximum daily dose in the usual dose range specified 78  
in a standard pharmaceutical reference manual of a compound, 79  
mixture, preparation, or substance that is or contains any 80  
amount of a schedule III opiate or opium derivative; 81

(4) An amount equal to or exceeding two hundred fifty 82  
milliliters or two hundred fifty grams of a compound, mixture, 83  
preparation, or substance that is or contains any amount of a 84  
schedule V substance; 85

(5) An amount equal to or exceeding two hundred solid 86  
dosage units, sixteen grams, or sixteen milliliters of a 87  
compound, mixture, preparation, or substance that is or contains 88  
any amount of a schedule III anabolic steroid; 89

(6) For any compound, mixture, preparation, or substance 90  
that is a combination of a fentanyl-related compound and any 91  
other compound, mixture, preparation, or substance included in 92  
schedule III, schedule IV, or schedule V, if the defendant is 93  
charged with a violation of section 2925.11 of the Revised Code 94  
and the sentencing provisions set forth in divisions ~~(C) (10) (b)~~ 95  
(C) (8) (b) and ~~(C) (11)~~ (C) (9) of that section will not apply 96  
regarding the defendant and the violation, the bulk amount of 97  
the controlled substance for purposes of the violation is the 98  
amount specified in division (D) (1), (2), (3), (4), or (5) of 99  
this section for the other schedule III, IV, or V controlled 100  
substance that is combined with the fentanyl-related compound. 101

(E) "Unit dose" means an amount or unit of a compound, 102  
mixture, or preparation containing a controlled substance that 103  
is separately identifiable and in a form that indicates that it 104  
is the amount or unit by which the controlled substance is 105  
separately administered to or taken by an individual. 106

(F) "Cultivate" includes planting, watering, fertilizing,	107
or tilling.	108
(G) "Drug abuse offense" means any of the following:	109
(1) A violation of division (A) of section 2913.02 that	110
constitutes theft of drugs, or a violation of section 2925.02,	111
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	112
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	113
or 2925.37 of the Revised Code;	114
(2) A violation of an existing or former law of this or	115
any other state or of the United States that is substantially	116
equivalent to any section listed in division (G) (1) of this	117
section;	118
(3) An offense under an existing or former law of this or	119
any other state, or of the United States, of which planting,	120
cultivating, harvesting, processing, making, manufacturing,	121
producing, shipping, transporting, delivering, acquiring,	122
possessing, storing, distributing, dispensing, selling, inducing	123
another to use, administering to another, using, or otherwise	124
dealing with a controlled substance is an element;	125
(4) A conspiracy to commit, attempt to commit, or	126
complicity in committing or attempting to commit any offense	127
under division (G) (1), (2), or (3) of this section.	128
(H) "Felony drug abuse offense" means any drug abuse	129
offense that would constitute a felony under the laws of this	130
state, any other state, or the United States.	131
(I) "Harmful intoxicant" does not include beer or	132
intoxicating liquor but means any of the following:	133
(1) Any compound, mixture, preparation, or substance the	134

gas, fumes, or vapor of which when inhaled can induce	135
intoxication, excitement, giddiness, irrational behavior,	136
depression, stupefaction, paralysis, unconsciousness,	137
asphyxiation, or other harmful physiological effects, and	138
includes, but is not limited to, any of the following:	139
(a) Any volatile organic solvent, plastic cement, model	140
cement, fingernail polish remover, lacquer thinner, cleaning	141
fluid, gasoline, or other preparation containing a volatile	142
organic solvent;	143
(b) Any aerosol propellant;	144
(c) Any fluorocarbon refrigerant;	145
(d) Any anesthetic gas.	146
(2) Gamma Butyrolactone;	147
(3) 1,4 Butanediol.	148
(J) "Manufacture" means to plant, cultivate, harvest,	149
process, make, prepare, or otherwise engage in any part of the	150
production of a drug, by propagation, extraction, chemical	151
synthesis, or compounding, or any combination of the same, and	152
includes packaging, repackaging, labeling, and other activities	153
incident to production.	154
(K) "Possess" or "possession" means having control over a	155
thing or substance, but may not be inferred solely from mere	156
access to the thing or substance through ownership or occupation	157
of the premises upon which the thing or substance is found.	158
(L) "Sample drug" means a drug or pharmaceutical	159
preparation that would be hazardous to health or safety if used	160
without the supervision of a licensed health professional	161
authorized to prescribe drugs, or a drug of abuse, and that, at	162

one time, had been placed in a container plainly marked as a	163
sample by a manufacturer.	164
(M) "Standard pharmaceutical reference manual" means the	165
current edition, with cumulative changes if any, of references	166
that are approved by the state board of pharmacy.	167
(N) "Juvenile" means a person under eighteen years of age.	168
(O) "Counterfeit controlled substance" means any of the	169
following:	170
(1) Any drug that bears, or whose container or label	171
bears, a trademark, trade name, or other identifying mark used	172
without authorization of the owner of rights to that trademark,	173
trade name, or identifying mark;	174
(2) Any unmarked or unlabeled substance that is	175
represented to be a controlled substance manufactured,	176
processed, packed, or distributed by a person other than the	177
person that manufactured, processed, packed, or distributed it;	178
(3) Any substance that is represented to be a controlled	179
substance but is not a controlled substance or is a different	180
controlled substance;	181
(4) Any substance other than a controlled substance that a	182
reasonable person would believe to be a controlled substance	183
because of its similarity in shape, size, and color, or its	184
markings, labeling, packaging, distribution, or the price for	185
which it is sold or offered for sale.	186
(P) An offense is "committed in the vicinity of a school"	187
if the offender commits the offense on school premises, in a	188
school building, or within one thousand feet of the boundaries	189
of any school premises, regardless of whether the offender knows	190

the offense is being committed on school premises, in a school 191  
building, or within one thousand feet of the boundaries of any 192  
school premises. 193

(Q) "School" means any school operated by a board of 194  
education, any community school established under Chapter 3314. 195  
of the Revised Code, or any nonpublic school for which the state 196  
board of education prescribes minimum standards under section 197  
3301.07 of the Revised Code, whether or not any instruction, 198  
extracurricular activities, or training provided by the school 199  
is being conducted at the time a criminal offense is committed. 200

(R) "School premises" means either of the following: 201

(1) The parcel of real property on which any school is 202  
situated, whether or not any instruction, extracurricular 203  
activities, or training provided by the school is being 204  
conducted on the premises at the time a criminal offense is 205  
committed; 206

(2) Any other parcel of real property that is owned or 207  
leased by a board of education of a school, the governing 208  
authority of a community school established under Chapter 3314. 209  
of the Revised Code, or the governing body of a nonpublic school 210  
for which the state board of education prescribes minimum 211  
standards under section 3301.07 of the Revised Code and on which 212  
some of the instruction, extracurricular activities, or training 213  
of the school is conducted, whether or not any instruction, 214  
extracurricular activities, or training provided by the school 215  
is being conducted on the parcel of real property at the time a 216  
criminal offense is committed. 217

(S) "School building" means any building in which any of 218  
the instruction, extracurricular activities, or training 219



provided by a school is conducted, whether or not any 220  
instruction, extracurricular activities, or training provided by 221  
the school is being conducted in the school building at the time 222  
a criminal offense is committed. 223

(T) "Disciplinary counsel" means the disciplinary counsel 224  
appointed by the board of commissioners on grievances and 225  
discipline of the supreme court under the Rules for the 226  
Government of the Bar of Ohio. 227

(U) "Certified grievance committee" means a duly 228  
constituted and organized committee of the Ohio state bar 229  
association or of one or more local bar associations of the 230  
state of Ohio that complies with the criteria set forth in Rule 231  
V, section 6 of the Rules for the Government of the Bar of Ohio. 232

(V) "Professional license" means any license, permit, 233  
certificate, registration, qualification, admission, temporary 234  
license, temporary permit, temporary certificate, or temporary 235  
registration that is described in divisions (W) (1) to (37) of 236  
this section and that qualifies a person as a professionally 237  
licensed person. 238

(W) "Professionally licensed person" means any of the 239  
following: 240

(1) A person who has received a certificate or temporary 241  
certificate as a certified public accountant or who has 242  
registered as a public accountant under Chapter 4701. of the 243  
Revised Code and who holds an Ohio permit issued under that 244  
chapter; 245

(2) A person who holds a certificate of qualification to 246  
practice architecture issued or renewed and registered under 247  
Chapter 4703. of the Revised Code; 248

(3) A person who is registered as a landscape architect	249
under Chapter 4703. of the Revised Code or who holds a permit as	250
a landscape architect issued under that chapter;	251
(4) A person licensed under Chapter 4707. of the Revised	252
Code;	253
(5) A person who has been issued a certificate of	254
registration as a registered barber under Chapter 4709. of the	255
Revised Code;	256
(6) A person licensed and regulated to engage in the	257
business of a debt pooling company by a legislative authority,	258
under authority of Chapter 4710. of the Revised Code;	259
(7) A person who has been issued a cosmetologist's	260
license, hair designer's license, manicurist's license,	261
esthetician's license, natural hair stylist's license, advanced	262
cosmetologist's license, advanced hair designer's license,	263
advanced manicurist's license, advanced esthetician's license,	264
advanced natural hair stylist's license, cosmetology	265
instructor's license, hair design instructor's license,	266
manicurist instructor's license, esthetics instructor's license,	267
natural hair style instructor's license, independent	268
contractor's license, or tanning facility permit under Chapter	269
4713. of the Revised Code;	270
(8) A person who has been issued a license to practice	271
dentistry, a general anesthesia permit, a conscious sedation	272
permit, a limited resident's license, a limited teaching	273
license, a dental hygienist's license, or a dental hygienist's	274
teacher's certificate under Chapter 4715. of the Revised Code;	275
(9) A person who has been issued an embalmer's license, a	276
funeral director's license, a funeral home license, or a	277

crematory license, or who has been registered for an embalmer's	278
or funeral director's apprenticeship under Chapter 4717. of the	279
Revised Code;	280
(10) A person who has been licensed as a registered nurse	281
or practical nurse, or who has been issued a certificate for the	282
practice of nurse-midwifery under Chapter 4723. of the Revised	283
Code;	284
(11) A person who has been licensed to practice optometry	285
or to engage in optical dispensing under Chapter 4725. of the	286
Revised Code;	287
(12) A person licensed to act as a pawnbroker under	288
Chapter 4727. of the Revised Code;	289
(13) A person licensed to act as a precious metals dealer	290
under Chapter 4728. of the Revised Code;	291
(14) A person licensed under Chapter 4729. of the Revised	292
Code as a pharmacist or pharmacy intern or registered under that	293
chapter as a registered pharmacy technician, certified pharmacy	294
technician, or pharmacy technician trainee;	295
(15) A person licensed under Chapter 4729. of the Revised	296
Code as a manufacturer of dangerous drugs, outsourcing facility,	297
third-party logistics provider, repackager of dangerous drugs,	298
wholesale distributor of dangerous drugs, or terminal	299
distributor of dangerous drugs;	300
(16) A person who is authorized to practice as a physician	301
assistant under Chapter 4730. of the Revised Code;	302
(17) A person who has been issued a license to practice	303
medicine and surgery, osteopathic medicine and surgery, or	304
podiatric medicine and surgery under Chapter 4731. of the	305

Revised Code or has been issued a certificate to practice a	306
limited branch of medicine under that chapter;	307
(18) A person licensed as a psychologist or school	308
psychologist under Chapter 4732. of the Revised Code;	309
(19) A person registered to practice the profession of	310
engineering or surveying under Chapter 4733. of the Revised	311
Code;	312
(20) A person who has been issued a license to practice	313
chiropractic under Chapter 4734. of the Revised Code;	314
(21) A person licensed to act as a real estate broker or	315
real estate salesperson under Chapter 4735. of the Revised Code;	316
(22) A person registered as a registered environmental	317
health specialist under Chapter 4736. of the Revised Code;	318
(23) A person licensed to operate or maintain a junkyard	319
under Chapter 4737. of the Revised Code;	320
(24) A person who has been issued a motor vehicle salvage	321
dealer's license under Chapter 4738. of the Revised Code;	322
(25) A person who has been licensed to act as a steam	323
engineer under Chapter 4739. of the Revised Code;	324
(26) A person who has been issued a license or temporary	325
permit to practice veterinary medicine or any of its branches,	326
or who is registered as a graduate animal technician under	327
Chapter 4741. of the Revised Code;	328
(27) A person who has been issued a hearing aid dealer's	329
or fitter's license or trainee permit under Chapter 4747. of the	330
Revised Code;	331
(28) A person who has been issued a class A, class B, or	332

class C license or who has been registered as an investigator or	333
security guard employee under Chapter 4749. of the Revised Code;	334
(29) A person licensed to practice as a nursing home	335
administrator under Chapter 4751. of the Revised Code;	336
(30) A person licensed to practice as a speech-language	337
pathologist or audiologist under Chapter 4753. of the Revised	338
Code;	339
(31) A person issued a license as an occupational	340
therapist or physical therapist under Chapter 4755. of the	341
Revised Code;	342
(32) A person who is licensed as a licensed professional	343
clinical counselor, licensed professional counselor, social	344
worker, independent social worker, independent marriage and	345
family therapist, or marriage and family therapist, or	346
registered as a social work assistant under Chapter 4757. of the	347
Revised Code;	348
(33) A person issued a license to practice dietetics under	349
Chapter 4759. of the Revised Code;	350
(34) A person who has been issued a license or limited	351
permit to practice respiratory therapy under Chapter 4761. of	352
the Revised Code;	353
(35) A person who has been issued a real estate appraiser	354
certificate under Chapter 4763. of the Revised Code;	355
(36) A person who has been issued a home inspector license	356
under Chapter 4764. of the Revised Code;	357
(37) A person who has been admitted to the bar by order of	358
the supreme court in compliance with its prescribed and	359
published rules.	360

(X) "Cocaine" means any of the following:	361
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	362 363
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	364 365 366 367
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	368 369 370 371 372 373
(Y) "L.S.D." means lysergic acid diethylamide.	374
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	375 376
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	377 378 379
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	380 381
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	382 383 384 385 386
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include	387 388

hashish. 389

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 390-396

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. 397-402

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 403-404

(EE) "Minor drug possession offense" means either of the following: 405-406

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996; 407-408

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree. 409-411

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 412-413

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 414-415

(HH) "Public premises" means any hotel, restaurant, 416

tavern, store, arena, hall, or other place of public	417
accommodation, business, amusement, or resort.	418
(II) "Methamphetamine" means methamphetamine, any salt,	419
isomer, or salt of an isomer of methamphetamine, or any	420
compound, mixture, preparation, or substance containing	421
methamphetamine or any salt, isomer, or salt of an isomer of	422
methamphetamine.	423
(JJ) "Deception" has the same meaning as in section	424
2913.01 of the Revised Code.	425
(KK) "Fentanyl-related compound" means any of the	426
following:	427
(1) Fentanyl;	428
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	429
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	430
phenylethyl)-4-(N-propanilido) piperidine);	431
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	432
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	433
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	434
piperidinyl] -N-phenylpropanamide);	435
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	436
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	437
phenylpropanamide);	438
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	439
piperidyl]-N- phenylpropanamide);	440
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	441
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	442
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	443



phenethyl)-4- piperidinyl]propanamide;	444
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]- propanamide;	445 446
(10) Alfentanil;	447
(11) Carfentanil;	448
(12) Remifentanil;	449
(13) Sufentanil;	450
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- phenethyl)-4- piperidinyl]-N-phenylacetamide); and	451 452
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- fluorofentanyl:	453 454 455 456 457 458 459
(a) A chemical scaffold consisting of both of the following:	460 461
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	462 463
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	464 465 466
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	467 468 469
(c) An alkyl or aryl substitution off the ring nitrogen of	470

the chemical scaffold; and 471

(d) The compound has not been approved for medical use by 472  
the United States food and drug administration. 473

(LL) "First degree felony mandatory prison term" means one 474  
of the definite prison terms prescribed in division (A) (1) (b) of 475  
section 2929.14 of the Revised Code for a felony of the first 476  
degree, except that if the violation for which sentence is being 477  
imposed is committed on or after March 22, 2019, it means one of 478  
the minimum prison terms prescribed in division (A) (1) (a) of 479  
that section for a felony of the first degree. 480

(MM) "Second degree felony mandatory prison term" means 481  
one of the definite prison terms prescribed in division (A) (2) 482  
(b) of section 2929.14 of the Revised Code for a felony of the 483  
second degree, except that if the violation for which sentence 484  
is being imposed is committed on or after March 22, 2019, it 485  
means one of the minimum prison terms prescribed in division (A) 486  
(2) (a) of that section for a felony of the second degree. 487

(NN) "Maximum first degree felony mandatory prison term" 488  
means the maximum definite prison term prescribed in division 489  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 490  
the first degree, except that if the violation for which 491  
sentence is being imposed is committed on or after March 22, 492  
2019, it means the longest minimum prison term prescribed in 493  
division (A) (1) (a) of that section for a felony of the first 494  
degree. 495

(OO) "Maximum second degree felony mandatory prison term" 496  
means the maximum definite prison term prescribed in division 497  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 498  
the second degree, except that if the violation for which 499

sentence is being imposed is committed on or after March 22, 500  
2019, it means the longest minimum prison term prescribed in 501  
division (A) (2) (a) of that section for a felony of the second 502  
degree. 503

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 504  
as in section 928.01 of the Revised Code. 505

(QQ) "Marihuana plant" means any plant of the genus 506  
cannabis that produces its own food through photosynthesis and 507  
has observable root formation or is in a growth material. 508

**Sec. 2925.04.** (A) No person shall knowingly ~~cultivate~~ 509  
~~marihuana or knowingly manufacture or otherwise engage~~ in any 510  
part of the production of a controlled substance. 511

(B) This section does not apply to the cultivation of 512  
marihuana or to any person listed in division (B) (1), (2), or 513  
(3) of section 2925.03 of the Revised Code to the extent and 514  
under the circumstances described in those divisions. 515

(C) (1) Whoever commits a violation of division (A) of this 516  
section ~~that involves any drug other than marihuana is guilty of~~ 517  
~~illegal manufacture of drugs, and whoever commits a violation of~~ 518  
~~division (A) of this section that involves marihuana is guilty~~ 519  
~~of illegal cultivation of marihuana.~~ 520

(2) Except as otherwise provided in this division, if the 521  
drug involved in the violation of division (A) of this section 522  
is any compound, mixture, preparation, or substance included in 523  
schedule I or II, with the exception of methamphetamine or 524  
marihuana, illegal manufacture of drugs is a felony of the 525  
second degree, and, subject to division (E) of this section, the 526  
court shall impose as a mandatory prison term a second degree 527  
felony mandatory prison term. 528

If the drug involved in the violation is any compound, 529  
mixture, preparation, or substance included in schedule I or II, 530  
with the exception of methamphetamine or marihuana, and if the 531  
offense was committed in the vicinity of a juvenile or in the 532  
vicinity of a school, illegal manufacture of drugs is a felony 533  
of the first degree, and, subject to division (E) of this 534  
section, the court shall impose as a mandatory prison term a 535  
first degree felony mandatory prison term. 536

(3) If the drug involved in the violation of division (A) 537  
of this section is methamphetamine, the penalty for the 538  
violation shall be determined as follows: 539

(a) Except as otherwise provided in division (C) (3) (b) of 540  
this section, if the drug involved in the violation is 541  
methamphetamine, illegal manufacture of drugs is a felony of the 542  
second degree, and, subject to division (E) of this section, the 543  
court shall impose a mandatory prison term on the offender 544  
determined in accordance with this division. Except as otherwise 545  
provided in this division, the court shall impose as a mandatory 546  
prison term a second degree felony mandatory prison term that is 547  
not less than three years. If the offender previously has been 548  
convicted of or pleaded guilty to a violation of division (A) of 549  
this section, a violation of division (B) (6) of section 2919.22 550  
of the Revised Code, or a violation of division (A) of section 551  
2925.041 of the Revised Code, the court shall impose as a 552  
mandatory prison term a second degree felony mandatory prison 553  
term that is not less than five years. 554

(b) If the drug involved in the violation is 555  
methamphetamine and if the offense was committed in the vicinity 556  
of a juvenile, in the vicinity of a school, or on public 557  
premises, illegal manufacture of drugs is a felony of the first 558

degree, and, subject to division (E) of this section, the court 559  
shall impose a mandatory prison term on the offender determined 560  
in accordance with this division. Except as otherwise provided 561  
in this division, the court shall impose as a mandatory prison 562  
term a first degree felony mandatory prison term that is not 563  
less than four years. If the offender previously has been 564  
convicted of or pleaded guilty to a violation of division (A) of 565  
this section, a violation of division (B)(6) of section 2919.22 566  
of the Revised Code, or a violation of division (A) of section 567  
2925.041 of the Revised Code, the court shall impose as a 568  
mandatory prison term a first degree felony mandatory prison 569  
term that is not less than five years. 570

(4) If the drug involved in the violation of division (A) 571  
of this section is any compound, mixture, preparation, or 572  
substance included in schedule III, IV, or V, illegal 573  
manufacture of drugs is a felony of the third degree or, if the 574  
offense was committed in the vicinity of a school or in the 575  
vicinity of a juvenile, a felony of the second degree, and there 576  
is a presumption for a prison term for the offense. 577

~~(5) If the drug involved in the violation is marihuana,~~ 578  
~~the penalty for the offense shall be determined as follows:~~ 579

~~(a) Except as otherwise provided in division (C)(5)(b),~~ 580  
~~(c), (d), (e), or (f) of this section, illegal cultivation of~~ 581  
~~marihuana is a minor misdemeanor or, if the offense was~~ 582  
~~committed in the vicinity of a school or in the vicinity of a~~ 583  
~~juvenile, a misdemeanor of the fourth degree.~~ 584

~~(b) If the amount of marihuana involved equals or exceeds~~ 585  
~~one hundred grams but is less than two hundred grams, illegal~~ 586  
~~cultivation of marihuana is a misdemeanor of the fourth degree~~ 587  
~~or, if the offense was committed in the vicinity of a school or~~ 588

~~in the vicinity of a juvenile, a misdemeanor of the third- 589  
degree. 590~~

~~(c) If the amount of marihuana involved equals or exceeds 591  
two hundred grams but is less than one thousand grams, illegal 592  
cultivation of marihuana is a felony of the fifth degree or, if 593  
the offense was committed in the vicinity of a school or in the 594  
vicinity of a juvenile, a felony of the fourth degree, and 595  
division (B) of section 2929.13 of the Revised Code applies in 596  
determining whether to impose a prison term on the offender. 597~~

~~(d) If the amount of marihuana involved equals or exceeds 598  
one thousand grams but is less than five thousand grams, illegal 599  
cultivation of marihuana is a felony of the third degree or, if 600  
the offense was committed in the vicinity of a school or in the 601  
vicinity of a juvenile, a felony of the second degree, and 602  
division (C) of section 2929.13 of the Revised Code applies in 603  
determining whether to impose a prison term on the offender. 604~~

~~(e) If the amount of marihuana involved equals or exceeds 605  
five thousand grams but is less than twenty thousand grams, 606  
illegal cultivation of marihuana is a felony of the third degree 607  
or, if the offense was committed in the vicinity of a school or 608  
in the vicinity of a juvenile, a felony of the second degree, 609  
and there is a presumption for a prison term for the offense. 610~~

~~(f) Except as otherwise provided in this division, if the 611  
amount of marihuana involved equals or exceeds twenty thousand 612  
grams, illegal cultivation of marihuana is a felony of the 613  
second degree, and the court shall impose as a mandatory prison 614  
term a maximum second degree felony mandatory prison term. If 615  
the amount of the drug involved equals or exceeds twenty 616  
thousand grams and if the offense was committed in the vicinity 617  
of a school or in the vicinity of a juvenile, illegal 618~~

~~cultivation of marihuana is a felony of the first degree, and 619  
the court shall impose as a mandatory prison term a maximum 620  
first degree felony mandatory prison term. 621~~

(D) In addition to any prison term authorized or required 622  
by division (C) or (E) of this section and sections 2929.13 and 623  
2929.14 of the Revised Code and in addition to any other 624  
sanction imposed for the offense under this section or sections 625  
2929.11 to 2929.18 of the Revised Code, the court that sentences 626  
an offender who is convicted of or pleads guilty to a violation 627  
of division (A) of this section may suspend the offender's 628  
driver's or commercial driver's license or permit in accordance 629  
with division (G) of section 2925.03 of the Revised Code. 630  
However, if the offender pleaded guilty to or was convicted of a 631  
violation of section 4511.19 of the Revised Code or a 632  
substantially similar municipal ordinance or the law of another 633  
state or the United States arising out of the same set of 634  
circumstances as the violation, the court shall suspend the 635  
offender's driver's or commercial driver's license or permit in 636  
accordance with division (G) of section 2925.03 of the Revised 637  
Code. If applicable, the court also shall do the following: 638

(1) If the violation of division (A) of this section is a 639  
felony of the first, second, or third degree, the court shall 640  
impose upon the offender the mandatory fine specified for the 641  
offense under division (B)(1) of section 2929.18 of the Revised 642  
Code unless, as specified in that division, the court determines 643  
that the offender is indigent. The clerk of the court shall pay 644  
a mandatory fine or other fine imposed for a violation of this 645  
section pursuant to division (A) of section 2929.18 of the 646  
Revised Code in accordance with and subject to the requirements 647  
of division (F) of section 2925.03 of the Revised Code. The 648  
agency that receives the fine shall use the fine as specified in 649

division (F) of section 2925.03 of the Revised Code. If a person 650  
is charged with a violation of this section that is a felony of 651  
the first, second, or third degree, posts bail, and forfeits the 652  
bail, the clerk shall pay the forfeited bail as if the forfeited 653  
bail were a fine imposed for a violation of this section. 654

(2) If the offender is a professionally licensed person, 655  
the court immediately shall comply with section 2925.38 of the 656  
Revised Code. 657

(E) Notwithstanding the prison term otherwise authorized 658  
or required for the offense under division (C) of this section 659  
and sections 2929.13 and 2929.14 of the Revised Code, if the 660  
violation of division (A) of this section involves the sale, 661  
offer to sell, or possession of a schedule I or II controlled 662  
substance, with the exception of marihuana, and if the court 663  
imposing sentence upon the offender finds that the offender as a 664  
result of the violation is a major drug offender and is guilty 665  
of a specification of the type described in division (A) of 666  
section 2941.1410 of the Revised Code, the court, in lieu of the 667  
prison term otherwise authorized or required, shall impose upon 668  
the offender the mandatory prison term specified in division (B) 669  
(3) of section 2929.14 of the Revised Code. 670

~~(F) It is an affirmative defense, as provided in section 671  
2901.05 of the Revised Code, to a charge under this section for 672  
a fifth degree felony violation of illegal cultivation of 673  
marihuana that the marihuana that gave rise to the charge is in 674  
an amount, is in a form, is prepared, compounded, or mixed with 675  
substances that are not controlled substances in a manner, or is 676  
possessed or cultivated under any other circumstances that 677  
indicate that the marihuana was solely for personal use. 678~~

~~Notwithstanding any contrary provision of division (F) of 679~~



~~this section, if, in accordance with section 2901.05 of the Revised Code, a person who is charged with a violation of illegal cultivation of marihuana that is a felony of the fifth-degree sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the person may be prosecuted for and may be convicted of or plead guilty to a misdemeanor violation of illegal cultivation of marihuana.~~

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

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

(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 September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's

license or permit was suspended under this section shall not 710  
file such a motion. 711

Upon the filing of a motion under division ~~(H)~~(F) (2) of 712  
this section, the sentencing court, in its discretion, may 713  
terminate the suspension. 714

Sec. 2925.042. (A) No person shall knowingly cultivate 715  
more than twelve marihuana plants. 716

(B) A person who violates this section is guilty of 717  
illegal cultivation of marihuana. Except as provided in division 718  
(C), (D), (E), or (F) of this section, illegal cultivation of 719  
marihuana is a misdemeanor of the second degree. 720

(C) If the offender has previously pleaded guilty or been 721  
convicted of a violation of this section, except as provided in 722  
divisions (D), (E), or (F) of this section, illegal cultivation 723  
of marihuana is a felony of the fifth degree. 724

(D) If the offense involves more than thirty marihuana 725  
plants, except as provided in division (E) or (F) of this 726  
section, illegal cultivation of marihuana is a felony of the 727  
fourth degree. 728

(E) If the offense involves more than fifty marihuana 729  
plants, except as provided in division (F) of this section, 730  
illegal cultivation of marihuana is a felony of the third degree 731  
and notwithstanding division (A) (3) of section 2929.28 of the 732  
Revised Code, the offender may be fined up to ten thousand 733  
dollars. 734

(F) If the offense involves more than one hundred 735  
marihuana plants, illegal cultivation of marihuana is a felony 736  
of the first degree and notwithstanding division (A) (3) of 737  
section 2929.28 of the Revised Code, the offender may be fined 738

up to two hundred fifty thousand dollars. 739

**Sec. 2925.043.** (A) No person shall knowingly cultivate 740  
marihuana under any of the following circumstances: 741

(1) On property not owned by the cultivator and without 742  
the written consent of the owner of the property; 743

(2) In a place that is open to public view; 744

(3) In a place that is not secured against access by 745  
persons under twenty-one years of age or persons who do not have 746  
the cultivator's permission to access the place. 747

(B) Violation of this section is a minor misdemeanor, and 748  
notwithstanding division (A) (2) of section 2929.28 of the 749  
Revised Code, the court may fine the offender up to one hundred 750  
dollars for the first offense, and up to two hundred dollars for 751  
any subsequent offense. 752

(C) Arrest or conviction for a minor misdemeanor violation 753  
of this section does not constitute a criminal record and need 754  
not be reported by the person so arrested or convicted in 755  
response to any inquiries about the person's criminal record, 756  
including any inquiries contained in an application for 757  
employment, a license, or any other right or privilege or made 758  
in connection with the person's appearance as a witness. 759

**Sec. 2925.11.** (A) No person shall knowingly obtain, 760  
possess, or use a controlled substance or a controlled substance 761  
analog. 762

(B) (1) This section does not apply to any of the 763  
following: 764

(a) Manufacturers, licensed health professionals 765  
authorized to prescribe drugs, pharmacists, owners of 766

pharmacies, and other persons whose conduct was in accordance 767  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 768  
4741. of the Revised Code; 769

(b) If the offense involves an anabolic steroid, any 770  
person who is conducting or participating in a research project 771  
involving the use of an anabolic steroid if the project has been 772  
approved by the United States food and drug administration; 773

(c) Any person who sells, offers for sale, prescribes, 774  
dispenses, or administers for livestock or other nonhuman 775  
species an anabolic steroid that is expressly intended for 776  
administration through implants to livestock or other nonhuman 777  
species and approved for that purpose under the "Federal Food, 778  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 779  
as amended, and is sold, offered for sale, prescribed, 780  
dispensed, or administered for that purpose in accordance with 781  
that act; 782

(d) Any person who obtained the controlled substance 783  
pursuant to a prescription issued by a licensed health 784  
professional authorized to prescribe drugs if the prescription 785  
was issued for a legitimate medical purpose and not altered, 786  
forged, or obtained through deception or commission of a theft 787  
offense; 788

(e) Obtaining, possession, or use of marihuana or hashish. 789

As used in division (B) (1) (d) of this section, "deception" 790  
and "theft offense" have the same meanings as in section 2913.01 791  
of the Revised Code. 792

(2) (a) As used in division (B) (2) of this section: 793

(i) "Community addiction services provider" has the same 794  
meaning as in section 5119.01 of the Revised Code. 795

(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code.	796 797 798
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	799 800
(iv) "Minor drug possession offense" means a violation of this section <u>or section 2925.111 of the Revised Code</u> that is a misdemeanor or a felony of the fifth degree.	801 802 803
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	804 805
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	806 807
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	808 809
(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	810 811 812 813 814 815 816 817
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.	818 819 820 821
(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted,	822 823

convicted, or penalized pursuant to this chapter for a minor 824  
drug possession offense if all of the following apply: 825

(i) The evidence of the obtaining, possession, or use of 826  
the controlled substance or controlled substance analog that 827  
would be the basis of the offense was obtained as a result of 828  
the qualified individual seeking the medical assistance or 829  
experiencing an overdose and needing medical assistance. 830

(ii) Subject to division (B)(2)(g) of this section, within 831  
thirty days after seeking or obtaining the medical assistance, 832  
the qualified individual seeks and obtains a screening and 833  
receives a referral for treatment from a community addiction 834  
services provider or a properly credentialed addiction treatment 835  
professional. 836

(iii) Subject to division (B)(2)(g) of this section, the 837  
qualified individual who obtains a screening and receives a 838  
referral for treatment under division (B)(2)(b)(ii) of this 839  
section, upon the request of any prosecuting attorney, submits 840  
documentation to the prosecuting attorney that verifies that the 841  
qualified individual satisfied the requirements of that 842  
division. The documentation shall be limited to the date and 843  
time of the screening obtained and referral received. 844

(c) If a person is found to be in violation of any 845  
community control sanction and if the violation is a result of 846  
either of the following, the court shall first consider ordering 847  
the person's participation or continued participation in a drug 848  
treatment program or mitigating the penalty specified in section 849  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 850  
applicable, after which the court has the discretion either to 851  
order the person's participation or continued participation in a 852  
drug treatment program or to impose the penalty with the 853

mitigating factor specified in any of those applicable sections:	854
(i) Seeking or obtaining medical assistance in good faith	855
for another person who is experiencing a drug overdose;	856
(ii) Experiencing a drug overdose and seeking medical	857
assistance for that overdose or being the subject of another	858
person seeking or obtaining medical assistance for that overdose	859
as described in division (B) (2) (b) of this section.	860
(d) If a person is found to be in violation of any post-	861
release control sanction and if the violation is a result of	862
either of the following, the court or the parole board shall	863
first consider ordering the person's participation or continued	864
participation in a drug treatment program or mitigating the	865
penalty specified in section 2929.141 or 2967.28 of the Revised	866
Code, whichever is applicable, after which the court or the	867
parole board has the discretion either to order the person's	868
participation or continued participation in a drug treatment	869
program or to impose the penalty with the mitigating factor	870
specified in either of those applicable sections:	871
(i) Seeking or obtaining medical assistance in good faith	872
for another person who is experiencing a drug overdose;	873
(ii) Experiencing a drug overdose and seeking medical	874
assistance for that emergency or being the subject of another	875
person seeking or obtaining medical assistance for that overdose	876
as described in division (B) (2) (b) of this section.	877
(e) Nothing in division (B) (2) (b) of this section shall be	878
construed to do any of the following:	879
(i) Limit the admissibility of any evidence in connection	880
with the investigation or prosecution of a crime with regards to	881
a defendant who does not qualify for the protections of division	882

(B) (2) (b) of this section or with regards to any crime other 883  
than a minor drug possession offense committed by a person who 884  
qualifies for protection pursuant to division (B) (2) (b) of this 885  
section for a minor drug possession offense; 886

(ii) Limit any seizure of evidence or contraband otherwise 887  
permitted by law; 888

(iii) Limit or abridge the authority of a peace officer to 889  
detain or take into custody a person in the course of an 890  
investigation or to effectuate an arrest for any offense except 891  
as provided in that division; 892

(iv) Limit, modify, or remove any immunity from liability 893  
available pursuant to law in effect prior to September 13, 2016, 894  
to any public agency or to an employee of any public agency. 895

(f) Division (B) (2) (b) of this section does not apply to 896  
any person who twice previously has been granted an immunity 897  
under division (B) (2) (b) of this section. No person shall be 898  
granted an immunity under division (B) (2) (b) of this section 899  
more than two times. 900

(g) Nothing in this section shall compel any qualified 901  
individual to disclose protected health information in a way 902  
that conflicts with the requirements of the "Health Insurance 903  
Portability and Accountability Act of 1996," 104 Pub. L. No. 904  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 905  
regulations promulgated by the United States department of 906  
health and human services to implement the act or the 907  
requirements of 42 C.F.R. Part 2. 908

(C) Whoever violates division (A) of this section is 909  
guilty of one of the following: 910

(1) If the drug involved in the violation is a compound, 911



mixture, preparation, or substance included in schedule I or II, 912  
with the exception of marihuana, cocaine, L.S.D., heroin, any 913  
fentanyl-related compound, hashish, and any controlled substance 914  
analog, whoever violates division (A) of this section is guilty 915  
of aggravated possession of drugs. The penalty for the offense 916  
shall be determined as follows: 917

(a) Except as otherwise provided in division (C) (1) (b), 918  
(c), (d), or (e) of this section, aggravated possession of drugs 919  
is a felony of the fifth degree, and division (B) of section 920  
2929.13 of the Revised Code applies in determining whether to 921  
impose a prison term on the offender. 922

(b) If the amount of the drug involved equals or exceeds 923  
the bulk amount but is less than five times the bulk amount, 924  
aggravated possession of drugs is a felony of the third degree, 925  
and there is a presumption for a prison term for the offense. 926

(c) If the amount of the drug involved equals or exceeds 927  
five times the bulk amount but is less than fifty times the bulk 928  
amount, aggravated possession of drugs is a felony of the second 929  
degree, and the court shall impose as a mandatory prison term a 930  
second degree felony mandatory prison term. 931

(d) If the amount of the drug involved equals or exceeds 932  
fifty times the bulk amount but is less than one hundred times 933  
the bulk amount, aggravated possession of drugs is a felony of 934  
the first degree, and the court shall impose as a mandatory 935  
prison term a first degree felony mandatory prison term. 936

(e) If the amount of the drug involved equals or exceeds 937  
one hundred times the bulk amount, aggravated possession of 938  
drugs is a felony of the first degree, the offender is a major 939  
drug offender, and the court shall impose as a mandatory prison 940

term a maximum first degree felony mandatory prison term. 941

(2) If the drug involved in the violation is a compound, 942  
mixture, preparation, or substance included in schedule III, IV, 943  
or V, whoever violates division (A) of this section is guilty of 944  
possession of drugs. The penalty for the offense shall be 945  
determined as follows: 946

(a) Except as otherwise provided in division (C) (2) (b), 947  
(c), or (d) of this section, possession of drugs is a 948  
misdemeanor of the first degree or, if the offender previously 949  
has been convicted of a drug abuse offense, a felony of the 950  
fifth degree. 951

(b) If the amount of the drug involved equals or exceeds 952  
the bulk amount but is less than five times the bulk amount, 953  
possession of drugs is a felony of the fourth degree, and 954  
division (C) of section 2929.13 of the Revised Code applies in 955  
determining whether to impose a prison term on the offender. 956

(c) If the amount of the drug involved equals or exceeds 957  
five times the bulk amount but is less than fifty times the bulk 958  
amount, possession of drugs is a felony of the third degree, and 959  
there is a presumption for a prison term for the offense. 960

(d) If the amount of the drug involved equals or exceeds 961  
fifty times the bulk amount, possession of drugs is a felony of 962  
the second degree, and the court shall impose upon the offender 963  
as a mandatory prison term a second degree felony mandatory 964  
prison term. 965

~~(3) If the drug involved in the violation is marihuana or 966  
a compound, mixture, preparation, or substance containing 967  
marihuana other than hashish, whoever violates division (A) of 968  
this section is guilty of possession of marihuana. The penalty 969~~

~~for the offense shall be determined as follows:~~ 970

~~(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.~~ 971  
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~~(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.~~ 974  
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~~(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana 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.~~ 977  
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~~(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana 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.~~ 982  
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~~(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 987  
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~~(f) If the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.~~ 992  
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~~(g) If the amount of the drug involved equals or exceeds~~ 998

~~forty thousand grams, possession of marihuana is a felony of the  
second degree, and the court shall impose as a mandatory prison  
term a maximum second degree felony mandatory prison term.~~

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

(a) Except as otherwise provided in division (C) ~~(4)~~ (3) (b),  
(c), (d), (e), or (f) of this section, possession of cocaine is  
a felony of the fifth degree, and division (B) of section  
2929.13 of the Revised Code applies in determining whether to  
impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds  
five grams but is less than ten grams of cocaine, possession of  
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 on the offender.

(c) If the amount of the drug involved equals or exceeds  
ten grams but is less than twenty grams of cocaine, possession  
of 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 possession of 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.

(d) If the amount of the drug involved equals or exceeds

twenty grams but is less than twenty-seven grams of cocaine, 1028  
possession of cocaine is a felony of the second degree, and the 1029  
court shall impose as a mandatory prison term a second degree 1030  
felony mandatory prison term. 1031

(e) If the amount of the drug involved equals or exceeds 1032  
twenty-seven grams but is less than one hundred grams of 1033  
cocaine, possession of cocaine is a felony of the first degree, 1034  
and the court shall impose as a mandatory prison term a first 1035  
degree felony mandatory prison term. 1036

(f) If the amount of the drug involved equals or exceeds 1037  
one hundred grams of cocaine, possession of cocaine is a felony 1038  
of the first degree, the offender is a major drug offender, and 1039  
the court shall impose as a mandatory prison term a maximum 1040  
first degree felony mandatory prison term. 1041

~~(5)~~(4) If the drug involved in the violation is L.S.D., 1042  
whoever violates division (A) of this section is guilty of 1043  
possession of L.S.D. The penalty for the offense shall be 1044  
determined as follows: 1045

(a) Except as otherwise provided in division (C) ~~(5)~~(4) (b), 1046  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1047  
felony of the fifth degree, and division (B) of section 2929.13 1048  
of the Revised Code applies in determining whether to impose a 1049  
prison term on the offender. 1050

(b) If the amount of L.S.D. involved equals or exceeds ten 1051  
unit doses but is less than fifty unit doses of L.S.D. in a 1052  
solid form or equals or exceeds one gram but is less than five 1053  
grams of L.S.D. in a liquid concentrate, liquid extract, or 1054  
liquid distillate form, possession of L.S.D. is a felony of the 1055  
fourth degree, and division (C) of section 2929.13 of the 1056

Revised Code applies in determining whether to impose a prison term on the offender. 1057  
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(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense. 1059  
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(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 1066  
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(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 1074  
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(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug 1082  
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offender, and the court shall impose as a mandatory prison term 1087  
a maximum first degree felony mandatory prison term. 1088

~~(6)~~(5) If the drug involved in the violation is heroin or 1089  
a compound, mixture, preparation, or substance containing 1090  
heroin, whoever violates division (A) of this section is guilty 1091  
of possession of heroin. The penalty for the offense shall be 1092  
determined as follows: 1093

(a) Except as otherwise provided in division (C) ~~(6)~~(5) (b), 1094  
(c), (d), (e), or (f) of this section, possession of heroin is a 1095  
felony of the fifth degree, and division (B) of section 2929.13 1096  
of the Revised Code applies in determining whether to impose a 1097  
prison term on the offender. 1098

(b) If the amount of the drug involved equals or exceeds 1099  
ten unit doses but is less than fifty unit doses or equals or 1100  
exceeds one gram but is less than five grams, possession of 1101  
heroin is a felony of the fourth degree, and division (C) of 1102  
section 2929.13 of the Revised Code applies in determining 1103  
whether to impose a prison term on the offender. 1104

(c) If the amount of the drug involved equals or exceeds 1105  
fifty unit doses but is less than one hundred unit doses or 1106  
equals or exceeds five grams but is less than ten grams, 1107  
possession of heroin is a felony of the third degree, and there 1108  
is a presumption for a prison term for the offense. 1109

(d) If the amount of the drug involved equals or exceeds 1110  
one hundred unit doses but is less than five hundred unit doses 1111  
or equals or exceeds ten grams but is less than fifty grams, 1112  
possession of heroin is a felony of the second degree, and the 1113  
court shall impose as a mandatory prison term a second degree 1114  
felony mandatory prison term. 1115

(e) If the amount of the drug involved equals or exceeds 1116  
five hundred unit doses but is less than one thousand unit doses 1117  
or equals or exceeds fifty grams but is less than one hundred 1118  
grams, possession of heroin is a felony of the first degree, and 1119  
the court shall impose as a mandatory prison term a first degree 1120  
felony mandatory prison term. 1121

(f) If the amount of the drug involved equals or exceeds 1122  
one thousand unit doses or equals or exceeds one hundred grams, 1123  
possession of heroin is a felony of the first degree, the 1124  
offender is a major drug offender, and the court shall impose as 1125  
a mandatory prison term a maximum first degree felony mandatory 1126  
prison term. 1127

~~(7) If the drug involved in the violation is hashish or a 1128  
compound, mixture, preparation, or substance containing hashish, 1129  
whoever violates division (A) of this section is guilty of 1130  
possession of hashish. The penalty for the offense shall be 1131  
determined as follows: 1132~~

~~(a) Except as otherwise provided in division (C) (7) (b), 1133  
(c), (d), (e), (f), or (g) of this section, possession of 1134  
hashish is a minor misdemeanor. 1135~~

~~(b) If the amount of the drug involved equals or exceeds 1136  
five grams but is less than ten grams of hashish in a solid form 1137  
or equals or exceeds one gram but is less than two grams of 1138  
hashish in a liquid concentrate, liquid extract, or liquid 1139  
distillate form, possession of hashish is a misdemeanor of the 1140  
fourth degree. 1141~~

~~(c) If the amount of the drug involved equals or exceeds 1142  
ten grams but is less than fifty grams of hashish in a solid 1143  
form or equals or exceeds two grams but is less than ten grams 1144~~



~~of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of 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.~~ 1145  
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~~(d) 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, possession of 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.~~ 1150  
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~~(e) If the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 1158  
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~~(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.~~ 1165  
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~~(g) If the amount of the drug involved equals or exceeds~~ 1174

~~two thousand grams of hashish in a solid form or equals or~~ 1175  
~~exceeds four hundred grams of hashish in a liquid concentrate,~~ 1176  
~~liquid extract, or liquid distillate form, possession of hashish~~ 1177  
~~is a felony of the second degree, and the court shall impose as~~ 1178  
~~a mandatory prison term a maximum second degree felony mandatory~~ 1179  
~~prison term.~~ 1180

~~(8)-(6)~~ If the drug involved is a controlled substance 1181  
analog or compound, mixture, preparation, or substance that 1182  
contains a controlled substance analog, whoever violates 1183  
division (A) of this section is guilty of possession of a 1184  
controlled substance analog. The penalty for the offense shall 1185  
be determined as follows: 1186

(a) Except as otherwise provided in division (C) ~~(8)-(6)~~ (b), 1187  
(c), (d), (e), or (f) of this section, possession of a 1188  
controlled substance analog is a felony of the fifth degree, and 1189  
division (B) of section 2929.13 of the Revised Code applies in 1190  
determining whether to impose a prison term on the offender. 1191

(b) If the amount of the drug involved equals or exceeds 1192  
ten grams but is less than twenty grams, possession of a 1193  
controlled substance analog is a felony of the fourth degree, 1194  
and there is a presumption for a prison term for the offense. 1195

(c) If the amount of the drug involved equals or exceeds 1196  
twenty grams but is less than thirty grams, possession of a 1197  
controlled substance analog is a felony of the third degree, and 1198  
there is a presumption for a prison term for the offense. 1199

(d) If the amount of the drug involved equals or exceeds 1200  
thirty grams but is less than forty grams, possession of a 1201  
controlled substance analog is a felony of the second degree, 1202  
and the court shall impose as a mandatory prison term a second 1203

degree felony mandatory prison term. 1204

(e) If the amount of the drug involved equals or exceeds 1205  
forty grams but is less than fifty grams, possession of a 1206  
controlled substance analog is a felony of the first degree, and 1207  
the court shall impose as a mandatory prison term a first degree 1208  
felony mandatory prison term. 1209

(f) If the amount of the drug involved equals or exceeds 1210  
fifty grams, possession of a controlled substance analog is a 1211  
felony of the first degree, the offender is a major drug 1212  
offender, and the court shall impose as a mandatory prison term 1213  
a maximum first degree felony mandatory prison term. 1214

~~(9)~~(7) If the drug involved in the violation is a 1215  
compound, mixture, preparation, or substance that is a 1216  
combination of a fentanyl-related compound and marihuana, one of 1217  
the following applies: 1218

(a) Except as otherwise provided in division (C) ~~(9)~~(7) (b) 1219  
of this section, the offender ~~is guilty of possession of~~ 1220  
~~marihuana and shall be punished as provided in division (C) (3)~~ 1221  
~~of this section. Except as otherwise provided in division (C) (9)~~ 1222  
~~(b) of this section, the offender is not guilty of possession of~~ 1223  
a fentanyl-related compound under division (C) ~~(11)~~(9) of this 1224  
section and shall not be charged with, convicted of, or punished 1225  
under division (C) ~~(11)~~(9) of this section for possession of a 1226  
fentanyl-related compound. 1227

(b) If the offender knows or has reason to know that the 1228  
compound, mixture, preparation, or substance that is the drug 1229  
involved contains a fentanyl-related compound, the offender is 1230  
guilty of possession of a fentanyl-related compound and shall be 1231  
punished under division (C) ~~(11)~~(9) of this section. 1232

~~(10)~~(8) If the drug involved in the violation is a 1233  
compound, mixture, preparation, or substance that is a 1234  
combination of a fentanyl-related compound and any schedule III, 1235  
schedule IV, or schedule V controlled substance that is not a 1236  
fentanyl-related compound, one of the following applies: 1237

(a) Except as otherwise provided in division (C) ~~(10)~~(8) (b) 1238  
of this section, the offender is guilty of possession of drugs 1239  
and shall be punished as provided in division (C) (2) of this 1240  
section. Except as otherwise provided in division (C) ~~(10)~~(8) (b) 1241  
of this section, the offender is not guilty of possession of a 1242  
fentanyl-related compound under division (C) ~~(11)~~(9) of this 1243  
section and shall not be charged with, convicted of, or punished 1244  
under division (C) ~~(11)~~(9) of this section for possession of a 1245  
fentanyl-related compound. 1246

(b) If the offender knows or has reason to know that the 1247  
compound, mixture, preparation, or substance that is the drug 1248  
involved contains a fentanyl-related compound, the offender is 1249  
guilty of possession of a fentanyl-related compound and shall be 1250  
punished under division (C) ~~(11)~~(9) of this section. 1251

~~(11)~~(9) If the drug involved in the violation is a 1252  
fentanyl-related compound and neither division (C) ~~(9)~~(7) (a) nor 1253  
division (C) ~~(10)~~(8) (a) of this section applies to the drug 1254  
involved, or is a compound, mixture, preparation, or substance 1255  
that contains a fentanyl-related compound or is a combination of 1256  
a fentanyl-related compound and any other controlled substance 1257  
and neither division (C) ~~(9)~~(7) (a) nor division (C) ~~(10)~~(8) (a) of 1258  
this section applies to the drug involved, whoever violates 1259  
division (A) of this section is guilty of possession of a 1260  
fentanyl-related compound. The penalty for the offense shall be 1261  
determined as follows: 1262

(a) Except as otherwise provided in division (C) ~~(11)~~ (9) 1263  
(b), (c), (d), (e), (f), or (g) of this section, possession of a 1264  
fentanyl-related compound is a felony of the fifth degree, and 1265  
division (B) of section 2929.13 of the Revised Code applies in 1266  
determining whether to impose a prison term on the offender. 1267

(b) If the amount of the drug involved equals or exceeds 1268  
ten unit doses but is less than fifty unit doses or equals or 1269  
exceeds one gram but is less than five grams, possession of a 1270  
fentanyl-related compound is a felony of the fourth degree, and 1271  
division (C) of section 2929.13 of the Revised Code applies in 1272  
determining whether to impose a prison term on the offender. 1273

(c) If the amount of the drug involved equals or exceeds 1274  
fifty unit doses but is less than one hundred unit doses or 1275  
equals or exceeds five grams but is less than ten grams, 1276  
possession of a fentanyl-related compound is a felony of the 1277  
third degree, and there is a presumption for a prison term for 1278  
the offense. 1279

(d) If the amount of the drug involved equals or exceeds 1280  
one hundred unit doses but is less than two hundred unit doses 1281  
or equals or exceeds ten grams but is less than twenty grams, 1282  
possession of a fentanyl-related compound is a felony of the 1283  
second degree, and the court shall impose as a mandatory prison 1284  
term one of the prison terms prescribed for a felony of the 1285  
second degree. 1286

(e) If the amount of the drug involved equals or exceeds 1287  
two hundred unit doses but is less than five hundred unit doses 1288  
or equals or exceeds twenty grams but is less than fifty grams, 1289  
possession of a fentanyl-related compound is a felony of the 1290  
first degree, and the court shall impose as a mandatory prison 1291  
term one of the prison terms prescribed for a felony of the 1292

first degree. 1293

(f) If the amount of the drug involved equals or exceeds 1294  
five hundred unit doses but is less than one thousand unit doses 1295  
or equals or exceeds fifty grams but is less than one hundred 1296  
grams, possession of a fentanyl-related compound is a felony of 1297  
the first degree, and the court shall impose as a mandatory 1298  
prison term the maximum prison term prescribed for a felony of 1299  
the first degree. 1300

(g) If the amount of the drug involved equals or exceeds 1301  
one thousand unit doses or equals or exceeds one hundred grams, 1302  
possession of a fentanyl-related compound is a felony of the 1303  
first degree, the offender is a major drug offender, and the 1304  
court shall impose as a mandatory prison term the maximum prison 1305  
term prescribed for a felony of the first degree. 1306

(D) Arrest or conviction for a minor misdemeanor violation 1307  
of this section as it existed prior to the effective date of 1308  
this amendment does not constitute a criminal record and need 1309  
not be reported by the person so arrested or convicted in 1310  
response to any inquiries about the person's criminal record, 1311  
including any inquiries contained in any application for 1312  
employment, license, or other right or privilege, or made in 1313  
connection with the person's appearance as a witness. 1314

(E) In addition to any prison term or jail term authorized 1315  
or required by division (C) of this section and sections 1316  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1317  
Code and in addition to any other sanction that is imposed for 1318  
the offense under this section, sections 2929.11 to 2929.18, or 1319  
sections 2929.21 to 2929.28 of the Revised Code, the court that 1320  
sentences an offender who is convicted of or pleads guilty to a 1321  
violation of division (A) of this section may suspend the 1322

offender's driver's or commercial driver's license or permit for 1323  
not more than five years. However, if the offender pleaded 1324  
guilty to or was convicted of a violation of section 4511.19 of 1325  
the Revised Code or a substantially similar municipal ordinance 1326  
or the law of another state or the United States arising out of 1327  
the same set of circumstances as the violation, the court shall 1328  
suspend the offender's driver's or commercial driver's license 1329  
or permit for not more than five years. If applicable, the court 1330  
also shall do the following: 1331

(1) (a) If the violation is a felony of the first, second, 1332  
or third degree, the court shall impose upon the offender the 1333  
mandatory fine specified for the offense under division (B) (1) 1334  
of section 2929.18 of the Revised Code unless, as specified in 1335  
that division, the court determines that the offender is 1336  
indigent. 1337

(b) Notwithstanding any contrary provision of section 1338  
3719.21 of the Revised Code, the clerk of the court shall pay a 1339  
mandatory fine or other fine imposed for a violation of this 1340  
section pursuant to division (A) of section 2929.18 of the 1341  
Revised Code in accordance with and subject to the requirements 1342  
of division (F) of section 2925.03 of the Revised Code. The 1343  
agency that receives the fine shall use the fine as specified in 1344  
division (F) of section 2925.03 of the Revised Code. 1345

(c) If a person is charged with a violation of this 1346  
section that is a felony of the first, second, or third degree, 1347  
posts bail, and forfeits the bail, the clerk shall pay the 1348  
forfeited bail pursuant to division (E) (1) (b) of this section as 1349  
if it were a mandatory fine imposed under division (E) (1) (a) of 1350  
this section. 1351

(2) If the offender is a professionally licensed person, 1352

in addition to any other sanction imposed for a violation of 1353  
this section, the court immediately shall comply with section 1354  
2925.38 of the Revised Code. 1355

(F) It is an affirmative defense, as provided in section 1356  
2901.05 of the Revised Code, to a charge of a fourth degree 1357  
felony violation under this section that the controlled 1358  
substance that gave rise to the charge is in an amount, is in a 1359  
form, is prepared, compounded, or mixed with substances that are 1360  
not controlled substances in a manner, or is possessed under any 1361  
other circumstances, that indicate that the substance was 1362  
possessed solely for personal use. Notwithstanding any contrary 1363  
provision of this section, if, in accordance with section 1364  
2901.05 of the Revised Code, an accused who is charged with a 1365  
fourth degree felony violation of division (C) (2), (3), (4), or 1366  
(5), ~~or (6)~~ of this section sustains the burden of going forward 1367  
with evidence of and establishes by a preponderance of the 1368  
evidence the affirmative defense described in this division, the 1369  
accused may be prosecuted for and may plead guilty to or be 1370  
convicted of a misdemeanor violation of division (C) (2) of this 1371  
section or a fifth degree felony violation of division (C) (3), 1372  
(4), or (5), ~~or (6)~~ of this section respectively. 1373

(G) When a person is charged with possessing a bulk amount 1374  
or multiple of a bulk amount, division (E) of section 2925.03 of 1375  
the Revised Code applies regarding the determination of the 1376  
amount of the controlled substance involved at the time of the 1377  
offense. 1378

(H) It is an affirmative defense to a charge of possession 1379  
of a controlled substance analog under division (C) ~~(8)~~ (6) of 1380  
this section that the person charged with violating that offense 1381  
obtained, possessed, or used one of the following items that are 1382



excluded from the meaning of "controlled substance analog" under 1383  
section 3719.01 of the Revised Code: 1384

(1) A controlled substance; 1385

(2) Any substance for which there is an approved new drug 1386  
application; 1387

(3) With respect to a particular person, any substance if 1388  
an exemption is in effect for investigational use for that 1389  
person pursuant to federal law to the extent that conduct with 1390  
respect to that substance is pursuant to that exemption. 1391

(I) Any offender who received a mandatory suspension of 1392  
the offender's driver's or commercial driver's license or permit 1393  
under this section prior to September 13, 2016, may file a 1394  
motion with the sentencing court requesting the termination of 1395  
the suspension. However, an offender who pleaded guilty to or 1396  
was convicted of a violation of section 4511.19 of the Revised 1397  
Code or a substantially similar municipal ordinance or law of 1398  
another state or the United States that arose out of the same 1399  
set of circumstances as the violation for which the offender's 1400  
license or permit was suspended under this section shall not 1401  
file such a motion. 1402

Upon the filing of a motion under division (I) of this 1403  
section, the sentencing court, in its discretion, may terminate 1404  
the suspension. 1405

Sec. 2925.111. (A) Except as provided in division (F) of 1406  
this section, no person shall knowingly obtain or possess more 1407  
than two hundred grams of marihuana or twenty grams of hashish. 1408

(B) Whoever violates division (A) of this section is 1409  
guilty of possession of marihuana or hashish. Except as provided 1410  
in divisions (C), (D), (E), or (F) of this section, possession 1411

of marihuana or hashish is a misdemeanor of the third degree. 1412

(C) If the offense involves more than one thousand grams 1413  
of marihuana or more than fifty grams of hashish, except as 1414  
provided in divisions (D), (E), or (F) of this section, 1415  
possession of marihuana or hashish is a felony of the fourth 1416  
degree. 1417

(D) If the offense involves more than five thousand grams 1418  
of marihuana or more than one thousand five hundred grams of 1419  
hashish, except as provided in division (E) or (F) of this 1420  
section, possession of marihuana or hashish is a felony of the 1421  
third degree and notwithstanding division (A) (3) of section 1422  
2929.28 of the Revised Code, the offender may be fined up to ten 1423  
thousand dollars. 1424

(E) If the offense involves more than twenty thousand 1425  
grams of marihuana, except as provided in division (F) of this 1426  
section, possession of marihuana or hashish is a felony of the 1427  
first degree, and notwithstanding division (A) (3) of section 1428  
2929.18 of the Revised Code, the offender may be fined up to two 1429  
hundred fifty thousand dollars for the offense. 1430

(F) Amounts cultivated, harvested, and stored in 1431  
accordance with sections 2925.042 and 2925.043 of the Revised 1432  
Code shall not be used for purposes of determining the amount of 1433  
marihuana or hashish involved in a violation of this section. 1434

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 1435  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1436  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1437  
in division (D) (6) of section 2919.25 of the Revised Code and 1438  
except in relation to an offense for which a sentence of death 1439  
or life imprisonment is to be imposed, if the court imposing a 1440

sentence upon an offender for a felony elects or is required to 1441  
impose a prison term on the offender pursuant to this chapter, 1442  
the court shall impose a prison term that shall be one of the 1443  
following: 1444

(1) (a) For a felony of the first degree committed on or 1445  
~~after the effective date of this amendment~~ March 22, 2019, the 1446  
prison term shall be an indefinite prison term with a stated 1447  
minimum term selected by the court of three, four, five, six, 1448  
seven, eight, nine, ten, or eleven years and a maximum term that 1449  
is determined pursuant to section 2929.144 of the Revised Code, 1450  
except that if the section that criminalizes the conduct 1451  
constituting the felony specifies a different minimum term or 1452  
penalty for the offense, the specific language of that section 1453  
shall control in determining the minimum term or otherwise 1454  
sentencing the offender but the minimum term or sentence imposed 1455  
under that specific language shall be considered for purposes of 1456  
the Revised Code as if it had been imposed under this division. 1457

(b) For a felony of the first degree committed prior to 1458  
~~the effective date of this amendment~~ March 22, 2019, the prison 1459  
term shall be a definite prison term of three, four, five, six, 1460  
seven, eight, nine, ten, or eleven years. 1461

(2) (a) For a felony of the second degree committed on or 1462  
~~after the effective date of this amendment~~ March 22, 2019, the 1463  
prison term shall be an indefinite prison term with a stated 1464  
minimum term selected by the court of two, three, four, five, 1465  
six, seven, or eight years and a maximum term that is determined 1466  
pursuant to section 2929.144 of the Revised Code, except that if 1467  
the section that criminalizes the conduct constituting the 1468  
felony specifies a different minimum term or penalty for the 1469  
offense, the specific language of that section shall control in 1470

determining the minimum term or otherwise sentencing the 1471  
offender but the minimum term or sentence imposed under that 1472  
specific language shall be considered for purposes of the 1473  
Revised Code as if it had been imposed under this division. 1474

(b) For a felony of the second degree committed prior to 1475  
~~the effective date of this amendment~~ March 22, 2019, the prison 1476  
term shall be a definite term of two, three, four, five, six, 1477  
seven, or eight years. 1478

(3) (a) For a felony of the third degree that is a 1479  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1480  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1481  
Code or that is a violation of section 2911.02 or 2911.12 of the 1482  
Revised Code if the offender previously has been convicted of or 1483  
pleaded guilty in two or more separate proceedings to two or 1484  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1485  
of the Revised Code, the prison term shall be a definite term of 1486  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1487  
forty-eight, fifty-four, or sixty months. 1488

(b) For a felony of the third degree that is not an 1489  
offense for which division (A) (3) (a) of this section applies, 1490  
the prison term shall be a definite term of nine, twelve, 1491  
eighteen, twenty-four, thirty, or thirty-six months. 1492

(4) For a felony of the fourth degree, the prison term 1493  
shall be a definite term of six, seven, eight, nine, ten, 1494  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1495  
or eighteen months. 1496

(5) For a felony of the fifth degree, the prison term 1497  
shall be a definite term of six, seven, eight, nine, ten, 1498  
eleven, or twelve months. 1499

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

(i) A prison term of six years if the specification is of the type described in division (A) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense;

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

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

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and

specifies that the offender previously has been convicted of or 1530  
pleaded guilty to a specification of the type described in 1531  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1532  
the Revised Code; 1533

(v) A prison term of fifty-four months if the 1534  
specification is of the type described in division (D) of 1535  
section 2941.145 of the Revised Code that charges the offender 1536  
with having a firearm on or about the offender's person or under 1537  
the offender's control while committing the offense and 1538  
displaying the firearm, brandishing the firearm, indicating that 1539  
the offender possessed the firearm, or using the firearm to 1540  
facilitate the offense and that the offender previously has been 1541  
convicted of or pleaded guilty to a specification of the type 1542  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1543  
2941.1412 of the Revised Code; 1544

(vi) A prison term of eighteen months if the specification 1545  
is of the type described in division (D) of section 2941.141 of 1546  
the Revised Code that charges the offender with having a firearm 1547  
on or about the offender's person or under the offender's 1548  
control while committing the offense and that the offender 1549  
previously has been convicted of or pleaded guilty to a 1550  
specification of the type described in section 2941.141, 1551  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1552

(b) If a court imposes a prison term on an offender under 1553  
division (B)(1)(a) of this section, the prison term shall not be 1554  
reduced pursuant to section 2967.19, section 2929.20, section 1555  
2967.193, or any other provision of Chapter 2967. or Chapter 1556  
5120. of the Revised Code. Except as provided in division (B)(1) 1557  
(g) of this section, a court shall not impose more than one 1558  
prison term on an offender under division (B)(1)(a) of this 1559

section for felonies committed as part of the same act or 1560  
transaction. 1561

(c) (i) Except as provided in division (B) (1) (e) of this 1562  
section, if an offender who is convicted of or pleads guilty to 1563  
a violation of section 2923.161 of the Revised Code or to a 1564  
felony that includes, as an essential element, purposely or 1565  
knowingly causing or attempting to cause the death of or 1566  
physical harm to another, also is convicted of or pleads guilty 1567  
to a specification of the type described in division (A) of 1568  
section 2941.146 of the Revised Code that charges the offender 1569  
with committing the offense by discharging a firearm from a 1570  
motor vehicle other than a manufactured home, the court, after 1571  
imposing a prison term on the offender for the violation of 1572  
section 2923.161 of the Revised Code or for the other felony 1573  
offense under division (A), (B) (2), or (B) (3) of this section, 1574  
shall impose an additional prison term of five years upon the 1575  
offender that shall not be reduced pursuant to section 2929.20, 1576  
section 2967.19, section 2967.193, or any other provision of 1577  
Chapter 2967. or Chapter 5120. of the Revised Code. 1578

(ii) Except as provided in division (B) (1) (e) of this 1579  
section, if an offender who is convicted of or pleads guilty to 1580  
a violation of section 2923.161 of the Revised Code or to a 1581  
felony that includes, as an essential element, purposely or 1582  
knowingly causing or attempting to cause the death of or 1583  
physical harm to another, also is convicted of or pleads guilty 1584  
to a specification of the type described in division (C) of 1585  
section 2941.146 of the Revised Code that charges the offender 1586  
with committing the offense by discharging a firearm from a 1587  
motor vehicle other than a manufactured home and that the 1588  
offender previously has been convicted of or pleaded guilty to a 1589  
specification of the type described in section 2941.141, 1590

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1591  
the court, after imposing a prison term on the offender for the 1592  
violation of section 2923.161 of the Revised Code or for the 1593  
other felony offense under division (A), (B) (2), or (3) of this 1594  
section, shall impose an additional prison term of ninety months 1595  
upon the offender that shall not be reduced pursuant to section 1596  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1597  
2967. or Chapter 5120. of the Revised Code. 1598

(iii) A court shall not impose more than one additional 1599  
prison term on an offender under division (B) (1) (c) of this 1600  
section for felonies committed as part of the same act or 1601  
transaction. If a court imposes an additional prison term on an 1602  
offender under division (B) (1) (c) of this section relative to an 1603  
offense, the court also shall impose a prison term under 1604  
division (B) (1) (a) of this section relative to the same offense, 1605  
provided the criteria specified in that division for imposing an 1606  
additional prison term are satisfied relative to the offender 1607  
and the offense. 1608

(d) If an offender who is convicted of or pleads guilty to 1609  
an offense of violence that is a felony also is convicted of or 1610  
pleads guilty to a specification of the type described in 1611  
section 2941.1411 of the Revised Code that charges the offender 1612  
with wearing or carrying body armor while committing the felony 1613  
offense of violence, the court shall impose on the offender an 1614  
additional prison term of two years. The prison term so imposed, 1615  
subject to divisions (C) to (I) of section 2967.19 of the 1616  
Revised Code, shall not be reduced pursuant to section 2929.20, 1617  
section 2967.19, section 2967.193, or any other provision of 1618  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1619  
shall not impose more than one prison term on an offender under 1620  
division (B) (1) (d) of this section for felonies committed as 1621



part of the same act or transaction. If a court imposes an 1622  
additional prison term under division (B) (1) (a) or (c) of this 1623  
section, the court is not precluded from imposing an additional 1624  
prison term under division (B) (1) (d) of this section. 1625

(e) The court shall not impose any of the prison terms 1626  
described in division (B) (1) (a) of this section or any of the 1627  
additional prison terms described in division (B) (1) (c) of this 1628  
section upon an offender for a violation of section 2923.12 or 1629  
2923.123 of the Revised Code. The court shall not impose any of 1630  
the prison terms described in division (B) (1) (a) or (b) of this 1631  
section upon an offender for a violation of section 2923.122 1632  
that involves a deadly weapon that is a firearm other than a 1633  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1634  
Revised Code. The court shall not impose any of the prison terms 1635  
described in division (B) (1) (a) of this section or any of the 1636  
additional prison terms described in division (B) (1) (c) of this 1637  
section upon an offender for a violation of section 2923.13 of 1638  
the Revised Code unless all of the following apply: 1639

(i) The offender previously has been convicted of 1640  
aggravated murder, murder, or any felony of the first or second 1641  
degree. 1642

(ii) Less than five years have passed since the offender 1643  
was released from prison or post-release control, whichever is 1644  
later, for the prior offense. 1645

(f) (i) If an offender is convicted of or pleads guilty to 1646  
a felony that includes, as an essential element, causing or 1647  
attempting to cause the death of or physical harm to another and 1648  
also is convicted of or pleads guilty to a specification of the 1649  
type described in division (A) of section 2941.1412 of the 1650  
Revised Code that charges the offender with committing the 1651

offense by discharging a firearm at a peace officer as defined 1652  
in section 2935.01 of the Revised Code or a corrections officer, 1653  
as defined in section 2941.1412 of the Revised Code, the court, 1654  
after imposing a prison term on the offender for the felony 1655  
offense under division (A), (B) (2), or (B) (3) of this section, 1656  
shall impose an additional prison term of seven years upon the 1657  
offender that shall not be reduced pursuant to section 2929.20, 1658  
section 2967.19, section 2967.193, or any other provision of 1659  
Chapter 2967. or Chapter 5120. of the Revised Code. 1660

(ii) If an offender is convicted of or pleads guilty to a 1661  
felony that includes, as an essential element, causing or 1662  
attempting to cause the death of or physical harm to another and 1663  
also is convicted of or pleads guilty to a specification of the 1664  
type described in division (B) of section 2941.1412 of the 1665  
Revised Code that charges the offender with committing the 1666  
offense by discharging a firearm at a peace officer, as defined 1667  
in section 2935.01 of the Revised Code, or a corrections 1668  
officer, as defined in section 2941.1412 of the Revised Code, 1669  
and that the offender previously has been convicted of or 1670  
pleaded guilty to a specification of the type described in 1671  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1672  
the Revised Code, the court, after imposing a prison term on the 1673  
offender for the felony offense under division (A), (B) (2), or 1674  
(3) of this section, shall impose an additional prison term of 1675  
one hundred twenty-six months upon the offender that shall not 1676  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1677  
any other provision of Chapter 2967. or 5120. of the Revised 1678  
Code. 1679

(iii) If an offender is convicted of or pleads guilty to 1680  
two or more felonies that include, as an essential element, 1681  
causing or attempting to cause the death or physical harm to 1682

another and also is convicted of or pleads guilty to a 1683  
specification of the type described under division (B) (1) (f) of 1684  
this section in connection with two or more of the felonies of 1685  
which the offender is convicted or to which the offender pleads 1686  
guilty, the sentencing court shall impose on the offender the 1687  
prison term specified under division (B) (1) (f) of this section 1688  
for each of two of the specifications of which the offender is 1689  
convicted or to which the offender pleads guilty and, in its 1690  
discretion, also may impose on the offender the prison term 1691  
specified under that division for any or all of the remaining 1692  
specifications. If a court imposes an additional prison term on 1693  
an offender under division (B) (1) (f) of this section relative to 1694  
an offense, the court shall not impose a prison term under 1695  
division (B) (1) (a) or (c) of this section relative to the same 1696  
offense. 1697

(g) If an offender is convicted of or pleads guilty to two 1698  
or more felonies, if one or more of those felonies are 1699  
aggravated murder, murder, attempted aggravated murder, 1700  
attempted murder, aggravated robbery, felonious assault, or 1701  
rape, and if the offender is convicted of or pleads guilty to a 1702  
specification of the type described under division (B) (1) (a) of 1703  
this section in connection with two or more of the felonies, the 1704  
sentencing court shall impose on the offender the prison term 1705  
specified under division (B) (1) (a) of this section for each of 1706  
the two most serious specifications of which the offender is 1707  
convicted or to which the offender pleads guilty and, in its 1708  
discretion, also may impose on the offender the prison term 1709  
specified under that division for any or all of the remaining 1710  
specifications. 1711

(2) (a) If division (B) (2) (b) of this section does not 1712  
apply, the court may impose on an offender, in addition to the 1713

longest prison term authorized or required for the offense or, 1714  
for offenses for which division (A) (1) (a) or (2) (a) of this 1715  
section applies, in addition to the longest minimum prison term 1716  
authorized or required for the offense, an additional definite 1717  
prison term of one, two, three, four, five, six, seven, eight, 1718  
nine, or ten years if all of the following criteria are met: 1719

(i) The offender is convicted of or pleads guilty to a 1720  
specification of the type described in section 2941.149 of the 1721  
Revised Code that the offender is a repeat violent offender. 1722

(ii) The offense of which the offender currently is 1723  
convicted or to which the offender currently pleads guilty is 1724  
aggravated murder and the court does not impose a sentence of 1725  
death or life imprisonment without parole, murder, terrorism and 1726  
the court does not impose a sentence of life imprisonment 1727  
without parole, any felony of the first degree that is an 1728  
offense of violence and the court does not impose a sentence of 1729  
life imprisonment without parole, or any felony of the second 1730  
degree that is an offense of violence and the trier of fact 1731  
finds that the offense involved an attempt to cause or a threat 1732  
to cause serious physical harm to a person or resulted in 1733  
serious physical harm to a person. 1734

(iii) The court imposes the longest prison term for the 1735  
offense or the longest minimum prison term for the offense, 1736  
whichever is applicable, that is not life imprisonment without 1737  
parole. 1738

(iv) The court finds that the prison terms imposed 1739  
pursuant to division (B) (2) (a) (iii) of this section and, if 1740  
applicable, division (B) (1) or (3) of this section are 1741  
inadequate to punish the offender and protect the public from 1742  
future crime, because the applicable factors under section 1743

2929.12 of the Revised Code indicating a greater likelihood of 1744  
recidivism outweigh the applicable factors under that section 1745  
indicating a lesser likelihood of recidivism. 1746

(v) The court finds that the prison terms imposed pursuant 1747  
to division (B) (2) (a) (iii) of this section and, if applicable, 1748  
division (B) (1) or (3) of this section are demeaning to the 1749  
seriousness of the offense, because one or more of the factors 1750  
under section 2929.12 of the Revised Code indicating that the 1751  
offender's conduct is more serious than conduct normally 1752  
constituting the offense are present, and they outweigh the 1753  
applicable factors under that section indicating that the 1754  
offender's conduct is less serious than conduct normally 1755  
constituting the offense. 1756

(b) The court shall impose on an offender the longest 1757  
prison term authorized or required for the offense or, for 1758  
offenses for which division (A) (1) (a) or (2) (a) of this section 1759  
applies, the longest minimum prison term authorized or required 1760  
for the offense, and shall impose on the offender an additional 1761  
definite prison term of one, two, three, four, five, six, seven, 1762  
eight, nine, or ten years if all of the following criteria are 1763  
met: 1764

(i) The offender is convicted of or pleads guilty to a 1765  
specification of the type described in section 2941.149 of the 1766  
Revised Code that the offender is a repeat violent offender. 1767

(ii) The offender within the preceding twenty years has 1768  
been convicted of or pleaded guilty to three or more offenses 1769  
described in division (CC) (1) of section 2929.01 of the Revised 1770  
Code, including all offenses described in that division of which 1771  
the offender is convicted or to which the offender pleads guilty 1772  
in the current prosecution and all offenses described in that 1773

division of which the offender previously has been convicted or 1774  
to which the offender previously pleaded guilty, whether 1775  
prosecuted together or separately. 1776

(iii) The offense or offenses of which the offender 1777  
currently is convicted or to which the offender currently pleads 1778  
guilty is aggravated murder and the court does not impose a 1779  
sentence of death or life imprisonment without parole, murder, 1780  
terrorism and the court does not impose a sentence of life 1781  
imprisonment without parole, any felony of the first degree that 1782  
is an offense of violence and the court does not impose a 1783  
sentence of life imprisonment without parole, or any felony of 1784  
the second degree that is an offense of violence and the trier 1785  
of fact finds that the offense involved an attempt to cause or a 1786  
threat to cause serious physical harm to a person or resulted in 1787  
serious physical harm to a person. 1788

(c) For purposes of division (B) (2) (b) of this section, 1789  
two or more offenses committed at the same time or as part of 1790  
the same act or event shall be considered one offense, and that 1791  
one offense shall be the offense with the greatest penalty. 1792

(d) A sentence imposed under division (B) (2) (a) or (b) of 1793  
this section shall not be reduced pursuant to section 2929.20, 1794  
section 2967.19, or section 2967.193, or any other provision of 1795  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1796  
shall serve an additional prison term imposed under division (B) 1797  
(2) (a) or (b) of this section consecutively to and prior to the 1798  
prison term imposed for the underlying offense. 1799

(e) When imposing a sentence pursuant to division (B) (2) 1800  
(a) or (b) of this section, the court shall state its findings 1801  
explaining the imposed sentence. 1802

(3) Except when an offender commits a violation of section 1803  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1804  
for the violation is life imprisonment or commits a violation of 1805  
section 2903.02 of the Revised Code, if the offender commits a 1806  
violation of section 2925.03 or 2925.11 of the Revised Code and 1807  
that section classifies the offender as a major drug offender, 1808  
if the offender commits a violation of section 2925.05 of the 1809  
Revised Code and division (E)(1) of that section classifies the 1810  
offender as a major drug offender, if the offender commits a 1811  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1812  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1813  
division (C) or (D) of section 3719.172, division (E) of section 1814  
4729.51, or division (J) of section 4729.54 of the Revised Code 1815  
that includes the sale, offer to sell, or possession of a 1816  
schedule I or II controlled substance, with the exception of 1817  
marihuana, and the court imposing sentence upon the offender 1818  
finds that the offender is guilty of a specification of the type 1819  
described in division (A) of section 2941.1410 of the Revised 1820  
Code charging that the offender is a major drug offender, if the 1821  
court imposing sentence upon an offender for a felony finds that 1822  
the offender is guilty of corrupt activity with the most serious 1823  
offense in the pattern of corrupt activity being a felony of the 1824  
first degree, or if the offender is guilty of an attempted 1825  
violation of section 2907.02 of the Revised Code and, had the 1826  
offender completed the violation of section 2907.02 of the 1827  
Revised Code that was attempted, the offender would have been 1828  
subject to a sentence of life imprisonment or life imprisonment 1829  
without parole for the violation of section 2907.02 of the 1830  
Revised Code, the court shall impose upon the offender for the 1831  
felony violation a mandatory prison term determined as described 1832  
in this division that, subject to divisions (C) to (I) of 1833  
section 2967.19 of the Revised Code, cannot be reduced pursuant 1834

to section 2929.20, section 2967.19, or any other provision of 1835  
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1836  
term shall be the maximum definite prison term prescribed in 1837  
division (A) (1) (b) of this section for a felony of the first 1838  
degree, except that for offenses for which division (A) (1) (a) of 1839  
this section applies, the mandatory prison term shall be the 1840  
longest minimum prison term prescribed in that division for the 1841  
offense. 1842

(4) If the offender is being sentenced for a third or 1843  
fourth degree felony OVI offense under division (G) (2) of 1844  
section 2929.13 of the Revised Code, the sentencing court shall 1845  
impose upon the offender a mandatory prison term in accordance 1846  
with that division. In addition to the mandatory prison term, if 1847  
the offender is being sentenced for a fourth degree felony OVI 1848  
offense, the court, notwithstanding division (A) (4) of this 1849  
section, may sentence the offender to a definite prison term of 1850  
not less than six months and not more than thirty months, and if 1851  
the offender is being sentenced for a third degree felony OVI 1852  
offense, the sentencing court may sentence the offender to an 1853  
additional prison term of any duration specified in division (A) 1854  
(3) of this section. In either case, the additional prison term 1855  
imposed shall be reduced by the sixty or one hundred twenty days 1856  
imposed upon the offender as the mandatory prison term. The 1857  
total of the additional prison term imposed under division (B) 1858  
(4) of this section plus the sixty or one hundred twenty days 1859  
imposed as the mandatory prison term shall equal a definite term 1860  
in the range of six months to thirty months for a fourth degree 1861  
felony OVI offense and shall equal one of the authorized prison 1862  
terms specified in division (A) (3) of this section for a third 1863  
degree felony OVI offense. If the court imposes an additional 1864  
prison term under division (B) (4) of this section, the offender 1865



shall serve the additional prison term after the offender has 1866  
served the mandatory prison term required for the offense. In 1867  
addition to the mandatory prison term or mandatory and 1868  
additional prison term imposed as described in division (B) (4) 1869  
of this section, the court also may sentence the offender to a 1870  
community control sanction under section 2929.16 or 2929.17 of 1871  
the Revised Code, but the offender shall serve all of the prison 1872  
terms so imposed prior to serving the community control 1873  
sanction. 1874

If the offender is being sentenced for a fourth degree 1875  
felony OVI offense under division (G) (1) of section 2929.13 of 1876  
the Revised Code and the court imposes a mandatory term of local 1877  
incarceration, the court may impose a prison term as described 1878  
in division (A) (1) of that section. 1879

(5) If an offender is convicted of or pleads guilty to a 1880  
violation of division (A) (1) or (2) of section 2903.06 of the 1881  
Revised Code and also is convicted of or pleads guilty to a 1882  
specification of the type described in section 2941.1414 of the 1883  
Revised Code that charges that the victim of the offense is a 1884  
peace officer, as defined in section 2935.01 of the Revised 1885  
Code, or an investigator of the bureau of criminal 1886  
identification and investigation, as defined in section 2903.11 1887  
of the Revised Code, the court shall impose on the offender a 1888  
prison term of five years. If a court imposes a prison term on 1889  
an offender under division (B) (5) of this section, the prison 1890  
term, subject to divisions (C) to (I) of section 2967.19 of the 1891  
Revised Code, shall not be reduced pursuant to section 2929.20, 1892  
section 2967.19, section 2967.193, or any other provision of 1893  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1894  
shall not impose more than one prison term on an offender under 1895  
division (B) (5) of this section for felonies committed as part 1896

of the same act. 1897

(6) If an offender is convicted of or pleads guilty to a 1898  
violation of division (A) (1) or (2) of section 2903.06 of the 1899  
Revised Code and also is convicted of or pleads guilty to a 1900  
specification of the type described in section 2941.1415 of the 1901  
Revised Code that charges that the offender previously has been 1902  
convicted of or pleaded guilty to three or more violations of 1903  
division (A) or (B) of section 4511.19 of the Revised Code or an 1904  
equivalent offense, as defined in section 2941.1415 of the 1905  
Revised Code, or three or more violations of any combination of 1906  
those divisions and offenses, the court shall impose on the 1907  
offender a prison term of three years. If a court imposes a 1908  
prison term on an offender under division (B) (6) of this 1909  
section, the prison term, subject to divisions (C) to (I) of 1910  
section 2967.19 of the Revised Code, shall not be reduced 1911  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1912  
or any other provision of Chapter 2967. or Chapter 5120. of the 1913  
Revised Code. A court shall not impose more than one prison term 1914  
on an offender under division (B) (6) of this section for 1915  
felonies committed as part of the same act. 1916

(7) (a) If an offender is convicted of or pleads guilty to 1917  
a felony violation of section 2905.01, 2905.02, 2907.21, 1918  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1919  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1920  
section 2919.22 of the Revised Code and also is convicted of or 1921  
pleads guilty to a specification of the type described in 1922  
section 2941.1422 of the Revised Code that charges that the 1923  
offender knowingly committed the offense in furtherance of human 1924  
trafficking, the court shall impose on the offender a mandatory 1925  
prison term that is one of the following: 1926

(i) If the offense is a felony of the first degree, a 1927  
definite prison term of not less than five years and not greater 1928  
than eleven years, except that if the offense is a felony of the 1929  
first degree committed on or after ~~the effective date of this~~ 1930  
~~amendment~~ March 22, 2019, the court shall impose as the minimum 1931  
prison term a mandatory term of not less than five years and not 1932  
greater than eleven years; 1933

(ii) If the offense is a felony of the second or third 1934  
degree, a definite prison term of not less than three years and 1935  
not greater than the maximum prison term allowed for the offense 1936  
by division (A) (2) (b) or (3) of this section, except that if the 1937  
offense is a felony of the second degree committed on or after 1938  
~~the effective date of this amendment~~ March 22, 2019, the court 1939  
shall impose as the minimum prison term a mandatory term of not 1940  
less than three years and not greater than eight years; 1941

(iii) If the offense is a felony of the fourth or fifth 1942  
degree, a definite prison term that is the maximum prison term 1943  
allowed for the offense by division (A) of section 2929.14 of 1944  
the Revised Code. 1945

(b) Subject to divisions (C) to (I) of section 2967.19 of 1946  
the Revised Code, the prison term imposed under division (B) (7) 1947  
(a) of this section shall not be reduced pursuant to section 1948  
2929.20, section 2967.19, section 2967.193, or any other 1949  
provision of Chapter 2967. of the Revised Code. A court shall 1950  
not impose more than one prison term on an offender under 1951  
division (B) (7) (a) of this section for felonies committed as 1952  
part of the same act, scheme, or plan. 1953

(8) If an offender is convicted of or pleads guilty to a 1954  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1955  
Revised Code and also is convicted of or pleads guilty to a 1956

specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019, the court shall impose as the minimum prison term under division (A) (1) (a) or (2) (a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.

(9) (a) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

(i) The violation is a violation of division (A) (1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(ii) The violation is a violation of division (A) (2) of

section 2903.11 of the Revised Code and the specification 1987  
charges that the offender used an accelerant in committing the 1988  
violation, that the violation caused physical harm to another or 1989  
to another's unborn, and that the physical harm resulted in a 1990  
permanent, serious disfigurement or permanent, substantial 1991  
incapacity. 1992

(b) If a court imposes a prison term on an offender under 1993  
division (B) (9) (a) of this section, the prison term shall not be 1994  
reduced pursuant to section 2929.20, section 2967.19, section 1995  
2967.193, or any other provision of Chapter 2967. or Chapter 1996  
5120. of the Revised Code. A court shall not impose more than 1997  
one prison term on an offender under division (B) (9) of this 1998  
section for felonies committed as part of the same act. 1999

(c) The provisions of divisions (B) (9) and (C) (6) of this 2000  
section and of division (D) (2) of section 2903.11, division (F) 2001  
(20) of section 2929.13, and section 2941.1425 of the Revised 2002  
Code shall be known as "Judy's Law." 2003

(10) If an offender is convicted of or pleads guilty to a 2004  
violation of division (A) of section 2903.11 of the Revised Code 2005  
and also is convicted of or pleads guilty to a specification of 2006  
the type described in section 2941.1426 of the Revised Code that 2007  
charges that the victim of the offense suffered permanent 2008  
disabling harm as a result of the offense and that the victim 2009  
was under ten years of age at the time of the offense, 2010  
regardless of whether the offender knew the age of the victim, 2011  
the court shall impose upon the offender an additional definite 2012  
prison term of six years. A prison term imposed on an offender 2013  
under division (B) (10) of this section shall not be reduced 2014  
pursuant to section 2929.20, section 2967.193, or any other 2015  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2016

If a court imposes an additional prison term on an offender 2017  
under this division relative to a violation of division (A) of 2018  
section 2903.11 of the Revised Code, the court shall not impose 2019  
any other additional prison term on the offender relative to the 2020  
same offense. 2021

(11) If an offender is convicted of or pleads guilty to a 2022  
felony violation of section 2925.03 or 2925.05 of the Revised 2023  
Code or a felony violation of section 2925.11 of the Revised 2024  
Code for which division (C) ~~(11)~~ (9) of that section applies in 2025  
determining the sentence for the violation, if the drug involved 2026  
in the violation is a fentanyl-related compound or a compound, 2027  
mixture, preparation, or substance containing a fentanyl-related 2028  
compound, and if the offender also is convicted of or pleads 2029  
guilty to a specification of the type described in division (B) 2030  
of section 2941.1410 of the Revised Code that charges that the 2031  
offender is a major drug offender, in addition to any other 2032  
penalty imposed for the violation, the court shall impose on the 2033  
offender a mandatory prison term of three, four, five, six, 2034  
seven, or eight years. If a court imposes a prison term on an 2035  
offender under division (B) (11) of this section, the prison 2036  
term, subject to divisions (C) to (I) of section 2967.19 of the 2037  
Revised Code, shall not be reduced pursuant to section 2929.20, 2038  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 2039  
5120. of the Revised Code. A court shall not impose more than 2040  
one prison term on an offender under division (B) (11) of this 2041  
section for felonies committed as part of the same act. 2042

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2043  
if a mandatory prison term is imposed upon an offender pursuant 2044  
to division (B) (1) (a) of this section for having a firearm on or 2045  
about the offender's person or under the offender's control 2046  
while committing a felony, if a mandatory prison term is imposed 2047

upon an offender pursuant to division (B)(1)(c) of this section 2048  
for committing a felony specified in that division by 2049  
discharging a firearm from a motor vehicle, or if both types of 2050  
mandatory prison terms are imposed, the offender shall serve any 2051  
mandatory prison term imposed under either division 2052  
consecutively to any other mandatory prison term imposed under 2053  
either division or under division (B)(1)(d) of this section, 2054  
consecutively to and prior to any prison term imposed for the 2055  
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 2056  
this section or any other section of the Revised Code, and 2057  
consecutively to any other prison term or mandatory prison term 2058  
previously or subsequently imposed upon the offender. 2059

(b) If a mandatory prison term is imposed upon an offender 2060  
pursuant to division (B)(1)(d) of this section for wearing or 2061  
carrying body armor while committing an offense of violence that 2062  
is a felony, the offender shall serve the mandatory term so 2063  
imposed consecutively to any other mandatory prison term imposed 2064  
under that division or under division (B)(1)(a) or (c) of this 2065  
section, consecutively to and prior to any prison term imposed 2066  
for the underlying felony under division (A), (B)(2), or (B)(3) 2067  
of this section or any other section of the Revised Code, and 2068  
consecutively to any other prison term or mandatory prison term 2069  
previously or subsequently imposed upon the offender. 2070

(c) If a mandatory prison term is imposed upon an offender 2071  
pursuant to division (B)(1)(f) of this section, the offender 2072  
shall serve the mandatory prison term so imposed consecutively 2073  
to and prior to any prison term imposed for the underlying 2074  
felony under division (A), (B)(2), or (B)(3) of this section or 2075  
any other section of the Revised Code, and consecutively to any 2076  
other prison term or mandatory prison term previously or 2077  
subsequently imposed upon the offender. 2078

(d) If a mandatory prison term is imposed upon an offender 2079  
pursuant to division (B) (7) or (8) of this section, the offender 2080  
shall serve the mandatory prison term so imposed consecutively 2081  
to any other mandatory prison term imposed under that division 2082  
or under any other provision of law and consecutively to any 2083  
other prison term or mandatory prison term previously or 2084  
subsequently imposed upon the offender. 2085

(e) If a mandatory prison term is imposed upon an offender 2086  
pursuant to division (B) (11) of this section, the offender shall 2087  
serve the mandatory prison term consecutively to any other 2088  
mandatory prison term imposed under that division, consecutively 2089  
to and prior to any prison term imposed for the underlying 2090  
felony, and consecutively to any other prison term or mandatory 2091  
prison term previously or subsequently imposed upon the 2092  
offender. 2093

(2) If an offender who is an inmate in a jail, prison, or 2094  
other residential detention facility violates section 2917.02, 2095  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 2096  
(2) of section 2921.34 of the Revised Code, if an offender who 2097  
is under detention at a detention facility commits a felony 2098  
violation of section 2923.131 of the Revised Code, or if an 2099  
offender who is an inmate in a jail, prison, or other 2100  
residential detention facility or is under detention at a 2101  
detention facility commits another felony while the offender is 2102  
an escapee in violation of division (A) (1) or (2) of section 2103  
2921.34 of the Revised Code, any prison term imposed upon the 2104  
offender for one of those violations shall be served by the 2105  
offender consecutively to the prison term or term of 2106  
imprisonment the offender was serving when the offender 2107  
committed that offense and to any other prison term previously 2108  
or subsequently imposed upon the offender. 2109



(3) If a prison term is imposed for a violation of 2110  
division (B) of section 2911.01 of the Revised Code, a violation 2111  
of division (A) of section 2913.02 of the Revised Code in which 2112  
the stolen property is a firearm or dangerous ordnance, or a 2113  
felony violation of division (B) of section 2921.331 of the 2114  
Revised Code, the offender shall serve that prison term 2115  
consecutively to any other prison term or mandatory prison term 2116  
previously or subsequently imposed upon the offender. 2117

(4) If multiple prison terms are imposed on an offender 2118  
for convictions of multiple offenses, the court may require the 2119  
offender to serve the prison terms consecutively if the court 2120  
finds that the consecutive service is necessary to protect the 2121  
public from future crime or to punish the offender and that 2122  
consecutive sentences are not disproportionate to the 2123  
seriousness of the offender's conduct and to the danger the 2124  
offender poses to the public, and if the court also finds any of 2125  
the following: 2126

(a) The offender committed one or more of the multiple 2127  
offenses while the offender was awaiting trial or sentencing, 2128  
was under a sanction imposed pursuant to section 2929.16, 2129  
2929.17, or 2929.18 of the Revised Code, or was under post- 2130  
release control for a prior offense. 2131

(b) At least two of the multiple offenses were committed 2132  
as part of one or more courses of conduct, and the harm caused 2133  
by two or more of the multiple offenses so committed was so 2134  
great or unusual that no single prison term for any of the 2135  
offenses committed as part of any of the courses of conduct 2136  
adequately reflects the seriousness of the offender's conduct. 2137

(c) The offender's history of criminal conduct 2138  
demonstrates that consecutive sentences are necessary to protect 2139

the public from future crime by the offender. 2140

(5) If a mandatory prison term is imposed upon an offender 2141  
pursuant to division (B) (5) or (6) of this section, the offender 2142  
shall serve the mandatory prison term consecutively to and prior 2143  
to any prison term imposed for the underlying violation of 2144  
division (A) (1) or (2) of section 2903.06 of the Revised Code 2145  
pursuant to division (A) of this section or section 2929.142 of 2146  
the Revised Code. If a mandatory prison term is imposed upon an 2147  
offender pursuant to division (B) (5) of this section, and if a 2148  
mandatory prison term also is imposed upon the offender pursuant 2149  
to division (B) (6) of this section in relation to the same 2150  
violation, the offender shall serve the mandatory prison term 2151  
imposed pursuant to division (B) (5) of this section 2152  
consecutively to and prior to the mandatory prison term imposed 2153  
pursuant to division (B) (6) of this section and consecutively to 2154  
and prior to any prison term imposed for the underlying 2155  
violation of division (A) (1) or (2) of section 2903.06 of the 2156  
Revised Code pursuant to division (A) of this section or section 2157  
2929.142 of the Revised Code. 2158

(6) If a mandatory prison term is imposed on an offender 2159  
pursuant to division (B) (9) of this section, the offender shall 2160  
serve the mandatory prison term consecutively to and prior to 2161  
any prison term imposed for the underlying violation of division 2162  
(A) (1) or (2) of section 2903.11 of the Revised Code and 2163  
consecutively to and prior to any other prison term or mandatory 2164  
prison term previously or subsequently imposed on the offender. 2165

(7) If a mandatory prison term is imposed on an offender 2166  
pursuant to division (B) (10) of this section, the offender shall 2167  
serve that mandatory prison term consecutively to and prior to 2168  
any prison term imposed for the underlying felonious assault. 2169

Except as otherwise provided in division (C) of this section, 2170  
any other prison term or mandatory prison term previously or 2171  
subsequently imposed upon the offender may be served 2172  
concurrently with, or consecutively to, the prison term imposed 2173  
pursuant to division (B)(10) of this section. 2174

(8) Any prison term imposed for a violation of section 2175  
2903.04 of the Revised Code that is based on a violation of 2176  
section 2925.03 or 2925.11 of the Revised Code or on a violation 2177  
of section 2925.05 of the Revised Code that is not funding of 2178  
marihuana trafficking shall run consecutively to any prison term 2179  
imposed for the violation of section 2925.03 or 2925.11 of the 2180  
Revised Code or for the violation of section 2925.05 of the 2181  
Revised Code that is not funding of marihuana trafficking. 2182

(9) When consecutive prison terms are imposed pursuant to 2183  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 2184  
division (H)(1) or (2) of this section, subject to division (C) 2185  
(10) of this section, the term to be served is the aggregate of 2186  
all of the terms so imposed. 2187

(10) When a court sentences an offender to a non-life 2188  
felony indefinite prison term, any definite prison term or 2189  
mandatory definite prison term previously or subsequently 2190  
imposed on the offender in addition to that indefinite sentence 2191  
that is required to be served consecutively to that indefinite 2192  
sentence shall be served prior to the indefinite sentence. 2193

(11) If a court is sentencing an offender for a felony of 2194  
the first or second degree, if division (A)(1)(a) or (2)(a) of 2195  
this section applies with respect to the sentencing for the 2196  
offense, and if the court is required under the Revised Code 2197  
section that sets forth the offense or any other Revised Code 2198  
provision to impose a mandatory prison term for the offense, the 2199

court shall impose the required mandatory prison term as the 2200  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 2201  
section, whichever is applicable. 2202

(D) (1) If a court imposes a prison term, other than a term 2203  
of life imprisonment, for a felony of the first degree, for a 2204  
felony of the second degree, for a felony sex offense, or for a 2205  
felony of the third degree that is an offense of violence and 2206  
that is not a felony sex offense, it shall include in the 2207  
sentence a requirement that the offender be subject to a period 2208  
of post-release control after the offender's release from 2209  
imprisonment, in accordance with section 2967.28 of the Revised 2210  
Code. If a court imposes a sentence including a prison term of a 2211  
type described in this division on or after July 11, 2006, the 2212  
failure of a court to include a post-release control requirement 2213  
in the sentence pursuant to this division does not negate, 2214  
limit, or otherwise affect the mandatory period of post-release 2215  
control that is required for the offender under division (B) of 2216  
section 2967.28 of the Revised Code. Section 2929.191 of the 2217  
Revised Code applies if, prior to July 11, 2006, a court imposed 2218  
a sentence including a prison term of a type described in this 2219  
division and failed to include in the sentence pursuant to this 2220  
division a statement regarding post-release control. 2221

(2) If a court imposes a prison term for a felony of the 2222  
third, fourth, or fifth degree that is not subject to division 2223  
(D) (1) of this section, it shall include in the sentence a 2224  
requirement that the offender be subject to a period of post- 2225  
release control after the offender's release from imprisonment, 2226  
in accordance with that division, if the parole board determines 2227  
that a period of post-release control is necessary. Section 2228  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2229  
a court imposed a sentence including a prison term of a type 2230

described in this division and failed to include in the sentence 2231  
pursuant to this division a statement regarding post-release 2232  
control. 2233

(E) The court shall impose sentence upon the offender in 2234  
accordance with section 2971.03 of the Revised Code, and Chapter 2235  
2971. of the Revised Code applies regarding the prison term or 2236  
term of life imprisonment without parole imposed upon the 2237  
offender and the service of that term of imprisonment if any of 2238  
the following apply: 2239

(1) A person is convicted of or pleads guilty to a violent 2240  
sex offense or a designated homicide, assault, or kidnapping 2241  
offense, and, in relation to that offense, the offender is 2242  
adjudicated a sexually violent predator. 2243

(2) A person is convicted of or pleads guilty to a 2244  
violation of division (A) (1) (b) of section 2907.02 of the 2245  
Revised Code committed on or after January 2, 2007, and either 2246  
the court does not impose a sentence of life without parole when 2247  
authorized pursuant to division (B) of section 2907.02 of the 2248  
Revised Code, or division (B) of section 2907.02 of the Revised 2249  
Code provides that the court shall not sentence the offender 2250  
pursuant to section 2971.03 of the Revised Code. 2251

(3) A person is convicted of or pleads guilty to attempted 2252  
rape committed on or after January 2, 2007, and a specification 2253  
of the type described in section 2941.1418, 2941.1419, or 2254  
2941.1420 of the Revised Code. 2255

(4) A person is convicted of or pleads guilty to a 2256  
violation of section 2905.01 of the Revised Code committed on or 2257  
after January 1, 2008, and that section requires the court to 2258  
sentence the offender pursuant to section 2971.03 of the Revised 2259

Code. 2260

(5) A person is convicted of or pleads guilty to 2261  
aggravated murder committed on or after January 1, 2008, and 2262  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2263  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2264  
(a) (iv) of section 2929.03, or division (A) or (B) of section 2265  
2929.06 of the Revised Code requires the court to sentence the 2266  
offender pursuant to division (B) (3) of section 2971.03 of the 2267  
Revised Code. 2268

(6) A person is convicted of or pleads guilty to murder 2269  
committed on or after January 1, 2008, and division (B) (2) of 2270  
section 2929.02 of the Revised Code requires the court to 2271  
sentence the offender pursuant to section 2971.03 of the Revised 2272  
Code. 2273

(F) If a person who has been convicted of or pleaded 2274  
guilty to a felony is sentenced to a prison term or term of 2275  
imprisonment under this section, sections 2929.02 to 2929.06 of 2276  
the Revised Code, section 2929.142 of the Revised Code, section 2277  
2971.03 of the Revised Code, or any other provision of law, 2278  
section 5120.163 of the Revised Code applies regarding the 2279  
person while the person is confined in a state correctional 2280  
institution. 2281

(G) If an offender who is convicted of or pleads guilty to 2282  
a felony that is an offense of violence also is convicted of or 2283  
pleads guilty to a specification of the type described in 2284  
section 2941.142 of the Revised Code that charges the offender 2285  
with having committed the felony while participating in a 2286  
criminal gang, the court shall impose upon the offender an 2287  
additional prison term of one, two, or three years. 2288

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

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

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

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

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly

impose on the offender a sanction that requires the offender to 2319  
wear a real-time processing, continual tracking electronic 2320  
monitoring device during the period of time specified by the 2321  
court. The period of time specified by the court shall equal the 2322  
duration of an additional prison term that the court could have 2323  
imposed upon the offender under division (H) (2) (a) of this 2324  
section. A sanction imposed under this division shall commence 2325  
on the date specified by the court, provided that the sanction 2326  
shall not commence until after the offender has served the 2327  
prison term imposed for the felony violation of section 2907.22, 2328  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2329  
residential sanction imposed for the violation under section 2330  
2929.16 of the Revised Code. A sanction imposed under this 2331  
division shall be considered to be a community control sanction 2332  
for purposes of section 2929.15 of the Revised Code, and all 2333  
provisions of the Revised Code that pertain to community control 2334  
sanctions shall apply to a sanction imposed under this division, 2335  
except to the extent that they would by their nature be clearly 2336  
inapplicable. The offender shall pay all costs associated with a 2337  
sanction imposed under this division, including the cost of the 2338  
use of the monitoring device. 2339

(I) At the time of sentencing, the court may recommend the 2340  
offender for placement in a program of shock incarceration under 2341  
section 5120.031 of the Revised Code or for placement in an 2342  
intensive program prison under section 5120.032 of the Revised 2343  
Code, disapprove placement of the offender in a program of shock 2344  
incarceration or an intensive program prison of that nature, or 2345  
make no recommendation on placement of the offender. In no case 2346  
shall the department of rehabilitation and correction place the 2347  
offender in a program or prison of that nature unless the 2348  
department determines as specified in section 5120.031 or 2349



5120.032 of the Revised Code, whichever is applicable, that the 2350  
offender is eligible for the placement. 2351

If the court disapproves placement of the offender in a 2352  
program or prison of that nature, the department of 2353  
rehabilitation and correction shall not place the offender in 2354  
any program of shock incarceration or intensive program prison. 2355

If the court recommends placement of the offender in a 2356  
program of shock incarceration or in an intensive program 2357  
prison, and if the offender is subsequently placed in the 2358  
recommended program or prison, the department shall notify the 2359  
court of the placement and shall include with the notice a brief 2360  
description of the placement. 2361

If the court recommends placement of the offender in a 2362  
program of shock incarceration or in an intensive program prison 2363  
and the department does not subsequently place the offender in 2364  
the recommended program or prison, the department shall send a 2365  
notice to the court indicating why the offender was not placed 2366  
in the recommended program or prison. 2367

If the court does not make a recommendation under this 2368  
division with respect to an offender and if the department 2369  
determines as specified in section 5120.031 or 5120.032 of the 2370  
Revised Code, whichever is applicable, that the offender is 2371  
eligible for placement in a program or prison of that nature, 2372  
the department shall screen the offender and determine if there 2373  
is an available program of shock incarceration or an intensive 2374  
program prison for which the offender is suited. If there is an 2375  
available program of shock incarceration or an intensive program 2376  
prison for which the offender is suited, the department shall 2377  
notify the court of the proposed placement of the offender as 2378  
specified in section 5120.031 or 5120.032 of the Revised Code 2379

and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

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

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

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

(L) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, a definite sentence, or a sentence to an indefinite prison term under this chapter for a felony offense that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code.

**Sec. 2953.39.** (A) As used in this section:

(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.

(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.

(4) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.

(5) "Qualified marihuana offense" means either of the following:

(a) A violation of section 2925.11 of the Revised Code, as that section existed prior to the effective date of this amendment, that involved the obtaining, possession, or use of two hundred grams of marihuana or less, or that involved the obtaining, possession, or use of twenty grams of hashish or less;

(b) A violation of section 2925.04 of the Revised Code, as that section existed prior to the effective date of this amendment, that involved the cultivation of twelve or fewer

marihuana plants. 2438

(B) Any person who is convicted of, was convicted of, 2439  
pleads guilty to, or has pleaded guilty to a qualified marihuana 2440  
offense may file an application under this section for the 2441  
expungement of the record of conviction. The person may file the 2442  
application at any time on or after the effective date of this 2443  
act. The application shall do all of the following: 2444

(1) Identify the applicant, the offense for which the 2445  
expungement is sought, the date of the conviction or plea of 2446  
guilty to that offense, and the court in which the conviction 2447  
occurred or the plea of guilty was entered. 2448

(2) Include evidence that the offense was a qualified 2449  
marihuana offense. 2450

(3) Include a request for expungement of the record of 2451  
conviction of that offense under this section. 2452

(C) Upon the filing of an application under division (B) 2453  
of this section and the payment of the fee described in division 2454  
(G) of this section, if applicable, the court shall set a date 2455  
for a hearing and shall notify the prosecutor for the case of 2456  
the hearing on the application. The prosecutor may object to the 2457  
granting of the application by filing an objection with the 2458  
court prior to the date set for the hearing. The prosecutor 2459  
shall specify in the objection the reasons for believing a 2460  
denial of the application is justified. The court shall hold the 2461  
hearing scheduled under this division. 2462

(D) (1) At the hearing held under division (C) of this 2463  
section, the court shall do each of the following: 2464

(a) If the prosecutor has filed an objection in accordance 2465  
with division (C) of this section, consider the reasons against 2466

granting the application specified by the prosecutor in the 2467  
objection; 2468

(b) Determine whether the applicant has been convicted of 2469  
or pleaded guilty to a qualified marihuana offense. 2470

(E) If the court determines at the hearing held under 2471  
division (D) of this section that an offense that is the subject 2472  
of an application under this section is a qualified marihuana 2473  
offense, the court shall order the expungement of all official 2474  
records pertaining to the case and the deletion of all index 2475  
references to the case and, if it does order the expungement, 2476  
shall send notice of the order to each public office or agency 2477  
that the court has reason to believe may have an official record 2478  
pertaining to the case. 2479

(F) The proceedings in the case that is the subject of an 2480  
order issued under division (E) of this section shall be 2481  
considered not to have occurred and the conviction or guilty 2482  
plea of the person who is the subject of the proceedings shall 2483  
be expunged. The record of the conviction shall not be used for 2484  
any purpose, including, but not limited to, a criminal records 2485  
check under section 109.572 of the Revised Code or a 2486  
determination under section 2923.125 or 2923.1213 of the Revised 2487  
Code of eligibility for a concealed handgun license. The 2488  
applicant may, and the court shall, reply that no record exists 2489  
with respect to the applicant upon any inquiry into the matter. 2490

(G) Upon the filing of an application under this section, 2491  
the applicant, unless indigent, shall pay a fee of fifty 2492  
dollars. The court shall pay thirty dollars of the fee into the 2493  
state treasury and shall pay twenty dollars of the fee into the 2494  
county general revenue fund. 2495

<b>Section 2.</b> That existing sections 2925.01, 2925.04,	2496
2925.11, and 2929.14 of the Revised Code are hereby repealed.	2497
<b>Section 3.</b> The General Assembly, applying the principle	2498
stated in division (B) of section 1.52 of the Revised Code that	2499
amendments are to be harmonized if reasonably capable of	2500
simultaneous operation, finds that the following sections,	2501
presented in this act as composites of the sections as amended	2502
by the acts indicated, are the resulting versions of the	2503
sections in effect prior to the effective date of the sections	2504
as presented in this act:	2505
Section 2925.01 of the Revised Code as amended by H.B. 49,	2506
S.B. 1, S.B. 201, S.B. 229, S.B. 255, and S.B. 259, all of the	2507
132nd General Assembly.	2508
Section 2925.04 of the Revised Code as amended by both	2509
S.B. 1 and S.B. 201 of the 132nd General Assembly.	2510
Section 2925.11 of the Revised Code as amended by S.B. 1,	2511
S.B. 201, and S.B. 229, all of the 132nd General Assembly.	2512
Section 2929.14 of the Revised Code as amended by both	2513
H.B. 136 and S.B. 256 of the 133rd General Assembly.	2514