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Office

H.B. 487
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Williams and Plummer

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SUMMARY

- Creates a repeat drug offender classification based on a person's current commission of a felony drug trafficking offense and the person's repeated commission of a felony drug trafficking offense.
- Creates a repeat drug offender specification and requires the court to impose both the longest authorized penalty for the underlying offense and a one to ten year mandatory prison term for the specification.

DETAILED ANALYSIS

Repeat drug offender

Classification

The bill creates a "repeat drug offender" classification that refers to a person about whom both of the following apply:¹

- The person is being sentenced for committing a felony violation of "aggravated trafficking in drugs," "trafficking in drugs," "trafficking in marihuana," "trafficking in cocaine," "trafficking in L.S.D.," "trafficking in heroin," "trafficking in hashish," "trafficking in a controlled substance analog," or "trafficking in a fentanyl-related compound";
- The person previously was convicted of or pleaded guilty to two or more felony violations of "aggravated trafficking in drugs," "trafficking in drugs," "trafficking in marihuana," "trafficking in cocaine," "trafficking in L.S.D.," "trafficking in heroin," "trafficking in

¹ R.C. 2929.01(CC) and 2941.1427(D); R.C. 2925.03, not in the bill.

hashish,” “trafficking in a controlled substance analog,” or “trafficking in a fentanyl-related compound.”

Specification

The bill creates a repeat drug offender specification. The indictment, count in the indictment, or information charging the offender must specify that the offender is a repeat drug offender.

The specification must be stated at the end of the body of the indictment, count, or information, and must be stated in substantially the following form:²

SPECIFICATION (or SPECIFICATION TO THE FIRST COUNT).

The Grand Jurors (or insert the person’s or prosecuting attorney’s name when appropriate) further find and specify that (set forth that the offender is a repeat drug offender).

The bill requires the court to determine the issue of whether an offender is a repeat offender.³ The bill provides that at the arraignment of the defendant or as soon thereafter as practicable, the prosecuting attorney may give notice to the defendant of the prosecuting attorney’s intention to use a certified copy of the entry of judgment of a prior conviction as proof of that prior conviction. The defendant must then give notice to the prosecuting attorney of the defendant’s intention to object to the use of the entry of judgment. If the defendant pursuant to Criminal Rule 12 does not give notice of that intention to the prosecuting attorney before trial, the defendant waives the objection to the use of an entry of judgment as proof of the defendant’s prior conviction, as shown on the entry of judgment.⁴

If an offender is convicted of or pleads guilty to a felony violation of “aggravated trafficking in drugs,” “trafficking in drugs,” “trafficking in marihuana,” “trafficking in cocaine,” “trafficking in L.S.D.,” “trafficking in heroin,” “trafficking in hashish,” “trafficking in a controlled substance analog,” or “trafficking in a fentanyl-related compound” and also is convicted of or pleads guilty to the above specification, the bill requires the court to impose on the offender both of the following:⁵

- The longest prison term authorized or required for the underlying offense, or if the prison term is for a first or second degree penalty, the longest minimum prison term authorized or required for the offense;
- A mandatory prison term of 1, 2, 3, 4, 5, 6, 7, 8, 9, or 10 years.

² R.C. 2941.1427(A).

³ R.C. 2941.1427(B).

⁴ R.C. 2941.1427(C).

⁵ R.C. 2929.149(A) and (B)(12) and 2941.1427(A).

HISTORY

Action	Date
Introduced	10-01-25
