

Sub. H. B. No. 96
As Passed by the Senate
DRCCD6

_____ moved to amend as follows:

After line 41137, insert:

"**Sec. 2921.36.** (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance;

(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code;

(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code, except for small amounts of wine for sacramental purposes when the person engaging in the specified conduct is a cleric, as defined in section 2317.02 of the

Revised Code.

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(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction pursuant to the written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place.

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(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the department of mental health and addiction services or the department of developmental disabilities any item listed in division (A) (1), (2), or (3) of this section.

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(D) No person shall knowingly deliver, or attempt to deliver, cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment.

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(E) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other

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electronic communications device.

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(F) (1) It is an affirmative defense to a charge under
division (A) (1) of this section that the weapon or dangerous
ordnance in question was being transported in a motor vehicle
for any lawful purpose, that it was not on the actor's person,
and, if the weapon or dangerous ordnance in question was a
firearm, that it was unloaded and was being carried in a closed
package, box, or case or in a compartment that can be reached
only by leaving the vehicle.

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(2) It is an affirmative defense to a charge under
division (C) of this section that the actor was not otherwise
prohibited by law from delivering the item to the confined
person, the child, the prisoner, or the patient and that either
of the following applies:

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(a) The actor was permitted by the written rules of the
detention facility or the institution, office building, or other
place to deliver the item to the confined person or the patient.

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(b) The actor was given written authorization by the
person in charge of the detention facility or the institution,
office building, or other place to deliver the item to the
confined person or the patient.

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(G) (1) Whoever violates division (A) (1) of this section or
commits a violation of division (C) of this section involving an
item listed in division (A) (1) of this section is guilty of
illegal conveyance of weapons onto the grounds of a specified
governmental facility, a felony of the third degree. If the
offender is an officer or employee of the department of
rehabilitation and correction, the court shall impose a
mandatory prison term from the range of definite prison terms

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prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for a felony of the third degree.

(2) Whoever violates division (A) (2) of this section or commits a violation of division (C) of this section involving any drug of abuse is guilty of illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility, a felony of the third degree. If the offender is an officer or employee of the department of rehabilitation and correction or of the department of youth services, the court shall impose a mandatory prison term from the range of definite prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for a felony of the third degree.

(3) Whoever violates division (A) (3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section, illegal conveyance of cash onto the grounds of a detention facility is a felony of the fifth degree.

~~(5) Whoever~~ (5) (a) Except as provided in division (G) (5) (b) of this section, whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a misdemeanor of the first degree, or if the offender previously has been convicted of or pleaded guilty to a violation of

division (E) of this section, a felony of the fifth degree. 108

(b) If the offender is an officer or employee of the 109
department of rehabilitation and correction or the department of 110
youth services or a contractor or employee of a contractor 111
providing services to the department of rehabilitation and 112
correction or the department of youth services, a violation of 113
division (E) of this section is a felony of the third degree, 114
and the court shall impose a mandatory prison term from the 115
range of definite prison terms prescribed in division (A) (3) (b) 116
of section 2929.14 of the Revised Code for a felony of the third 117
degree." 118

Update the title, amend, enact, or repeal clauses accordingly 119

The motion was _____ agreed to.

SYNOPSIS 120

Illegal conveyance of communications devices 121

R.C. 2921.36 122

Specifies that the penalty for illegal conveyance of a 123
communications device onto the grounds of a specified 124
governmental facility is a third degree felony if the offender 125
is an employee of DRC, DYS, or contractors or employees of 126
contractors providing services to DRC or DYS and requires the 127
court to impose a mandatory prison term. 128