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Senator John Eklund – Sponsor Testimony
Senate Bill 42
Senate Judiciary Committee
February 21, 2017

Good Morning Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas, and members of the committee. Thank you for the opportunity to give sponsor testimony on Senate Bill 42 and to encourage your support on this legislation. SB 42 provides that drug offense penalties that refer to a particular type of drug also applies to a compound, mixture, preparation, or substance containing a detectable amount of that drug.

The Ohio Supreme Court has recently ruled in favor of a Fremont resident in a cocaine possession case (*State v. Gonzales*, Slip Opinion No. 216-Ohio-8319), in which the man's prison sentence hinged on how much of the drug was actually in his possession. The resident was convicted of a first-degree felony count of cocaine possession and possessing more than 100 grams of cocaine. Under Ohio law that made the defendant a major drug offender, subject to a mandatory 11-year prison sentence. However, during the original trial proceedings, there was no testimony or evidence as to whether the cocaine was mixed with filler, or how much filler there might be. The defendant appealed the sentence.

The Sixth District Court of Appeals overturned the ruling, thus reducing the defendant's sentence to 1 year, instead of the 11-year mandatory for a major drug offense. The Ohio Supreme Court upheld the Appeals decision.

SB 42 would clarify Ohio statutes defining the levels at which drug trafficking becomes a major drug offense. The bill will add "any compound, mixture, preparation, or substance containing a detectable amount of any such drug."

Thank you for the opportunity to provide testimony on Senate Bill 42, and I will be glad to answer any questions you may have.