



Ohio Prosecuting Attorneys Association

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Senate Bill 25
Proponent Testimony
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Chairman LaRe, Vice-Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to provide testimony in support of Senate Bill 25, a bill that would enhance the penalties for drug trafficking committed on or near the premises of a substance addiction services provider and for trafficking when the offender sells, offers to sell, delivers, or drugs to someone in treatment or who has been in treatment within the last 30 days. It also creates offenses related to the manufacture, sale, and use of synthetic urine. While we support both aspects of the bill and have worked with Sen. Gavarone on improvements to both aspects of the bill, I'm going to limit my testimony to the drug trafficking provision that has been a legislative priority for our Association for several years.

There are horror stories in Ohio and elsewhere of drug traffickers frequenting areas near drug treatment facilities either to sell drugs to individuals who are seeking to recover from drug addiction, or with disregard to the fact that their mere presence selling drugs near the facility could tempt recovering addicts to buy drugs. The typical individual who is trying to recover from opiate addiction relapses multiple times before they are able to attain anything that resembles recovery. They are individuals who are vulnerable to the pull of their addiction. They need to avoid temptation and the circumstances that trigger relapse – things like being around the people who enabled their drug use, being offered drugs, or seeing people who are selling those drugs now. Seeking out treatment should not be a time when temptation is prevalent and the areas around our treatment facilities should provide safe space for those seeking to recover.

Senate Bill 25 would increase the penalty for selling drugs on or within 500 feet of the premises of an addiction services provider by one degree if the person knows that they are selling within that vicinity. An important amendment to the bill last Spring provides the same penalty enhancement essentially when a dealer targets someone who they know is in treatment or was in treatment within the last 30 days. So for example, someone caught selling what would otherwise be an F4 amount of heroin would instead be subject to an F3 if they did either of these things. This is an extension of a concept already embodied in the Chapter 2925. Some years ago, the General Assembly, recognizing the special vulnerability of children, increased the penalties for drug trafficking in the vicinity of schools or juveniles. Senate Bill 25 similarly recognizes the vulnerability of those seeking treatment for drug addiction and operates in a manner that is nearly identical to current law regarding drug trafficking in the vicinity of schools.

We are grateful for Sen. Gavarone's efforts to enact this change and for her continued advocacy on a concept that was sent to the Governor for signature during the last General Assembly before being vetoed on other grounds. Thank you, again, for the opportunity to provide testimony in support of the bill. We encourage the Committee's favorable consideration. I would be happy to answer any questions.