

As Reported by the Senate Criminal Justice Committee

131st General Assembly

Regular Session

2015-2016

H. B. No. 171

Representatives Blessing, Dever

Cosponsors: Representatives Hood, Becker, Smith, R., Thompson, Butler, Anielski, Baker, Boose, Brown, Buchy, Burkley, Conditt, Cupp, Dovilla, Ginter, Green, Grossman, Hackett, Hagan, Hayes, Johnson, T., Koehler, Kraus, LaTourette, Maag, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Pelanda, Rogers, Ryan, Sears, Sprague, Sweeney, Terhar, Young

A BILL

To amend sections 2925.03, 2925.11, and 2929.01 of
the Revised Code to decrease the minimum amount
of heroin involved in a violation of trafficking
in heroin or possession of heroin that makes the
violation a felony of the first degree and that
is necessary to classify an offender as a major
drug offender.

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

Section 1. That sections 2925.03, 2925.11, and 2929.01 of
the Revised Code be amended to read as follows:

Sec. 2925.03. (A) No person shall knowingly do any of the
following:

(1) Sell or offer to sell a controlled substance or a
controlled substance analog;

(2) Prepare for shipment, ship, transport, deliver,
prepare for distribution, or distribute a controlled substance

or a controlled substance analog, when the offender knows or has 16
reasonable cause to believe that the controlled substance or a 17
controlled substance analog is intended for sale or resale by 18
the offender or another person. 19

(B) This section does not apply to any of the following: 20

(1) Manufacturers, licensed health professionals 21
authorized to prescribe drugs, pharmacists, owners of 22
pharmacies, and other persons whose conduct is in accordance 23
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 24
4741. of the Revised Code; 25

(2) If the offense involves an anabolic steroid, any 26
person who is conducting or participating in a research project 27
involving the use of an anabolic steroid if the project has been 28
approved by the United States food and drug administration; 29

(3) Any person who sells, offers for sale, prescribes, 30
dispenses, or administers for livestock or other nonhuman 31
species an anabolic steroid that is expressly intended for 32
administration through implants to livestock or other nonhuman 33
species and approved for that purpose under the "Federal Food, 34
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 35
as amended, and is sold, offered for sale, prescribed, 36
dispensed, or administered for that purpose in accordance with 37
that act. 38

(C) Whoever violates division (A) of this section is 39
guilty of one of the following: 40

(1) If the drug involved in the violation is any compound, 41
mixture, preparation, or substance included in schedule I or 42
schedule II, with the exception of marihuana, cocaine, L.S.D., 43
heroin, hashish, and controlled substance analogs, whoever 44

violates division (A) of this section is guilty of aggravated 45
trafficking in drugs. The penalty for the offense shall be 46
determined as follows: 47

(a) Except as otherwise provided in division (C) (1) (b), 48
(c), (d), (e), or (f) of this section, aggravated trafficking in 49
drugs is a felony of the fourth degree, and division (C) of 50
section 2929.13 of the Revised Code applies in determining 51
whether to impose a prison term on the offender. 52

(b) Except as otherwise provided in division (C) (1) (c), 53
(d), (e), or (f) of this section, if the offense was committed 54
in the vicinity of a school or in the vicinity of a juvenile, 55
aggravated trafficking in drugs is a felony of the third degree, 56
and division (C) of section 2929.13 of the Revised Code applies 57
in determining whether to impose a prison term on the offender. 58

(c) Except as otherwise provided in this division, if the 59
amount of the drug involved equals or exceeds the bulk amount 60
but is less than five times the bulk amount, aggravated 61
trafficking in drugs is a felony of the third degree, and, 62
except as otherwise provided in this division, there is a 63
presumption for a prison term for the offense. If aggravated 64
trafficking in drugs is a felony of the third degree under this 65
division and if the offender two or more times previously has 66
been convicted of or pleaded guilty to a felony drug abuse 67
offense, the court shall impose as a mandatory prison term one 68
of the prison terms prescribed for a felony of the third degree. 69
If the amount of the drug involved is within that range and if 70
the offense was committed in the vicinity of a school or in the 71
vicinity of a juvenile, aggravated trafficking in drugs is a 72
felony of the second degree, and the court shall impose as a 73
mandatory prison term one of the prison terms prescribed for a 74

felony of the second degree. 75

(d) Except as otherwise provided in this division, if the 76
amount of the drug involved equals or exceeds five times the 77
bulk amount but is less than fifty times the bulk amount, 78
aggravated trafficking in drugs is a felony of the second 79
degree, and the court shall impose as a mandatory prison term 80
one of the prison terms prescribed for a felony of the second 81
degree. If the amount of the drug involved is within that range 82
and if the offense was committed in the vicinity of a school or 83
in the vicinity of a juvenile, aggravated trafficking in drugs 84
is a felony of the first degree, and the court shall impose as a 85
mandatory prison term one of the prison terms prescribed for a 86
felony of the first degree. 87

(e) If the amount of the drug involved equals or exceeds 88
fifty times the bulk amount but is less than one hundred times 89
the bulk amount and regardless of whether the offense was 90
committed in the vicinity of a school or in the vicinity of a 91
juvenile, aggravated trafficking in drugs is a felony of the 92
first degree, and the court shall impose as a mandatory prison 93
term one of the prison terms prescribed for a felony of the 94
first degree. 95

(f) If the amount of the drug involved equals or exceeds 96
one hundred times the bulk amount and regardless of whether the 97
offense was committed in the vicinity of a school or in the 98
vicinity of a juvenile, aggravated trafficking in drugs is a 99
felony of the first degree, the offender is a major drug 100
offender, and the court shall impose as a mandatory prison term 101
the maximum prison term prescribed for a felony of the first 102
degree. 103

(2) If the drug involved in the violation is any compound, 104

mixture, preparation, or substance included in schedule III, IV, 105
or V, whoever violates division (A) of this section is guilty of 106
trafficking in drugs. The penalty for the offense shall be 107
determined as follows: 108

(a) Except as otherwise provided in division (C) (2) (b), 109
(c), (d), or (e) of this section, trafficking in drugs is a 110
felony of the fifth degree, and division (B) of section 2929.13 111
of the Revised Code applies in determining whether to impose a 112
prison term on the offender. 113

(b) Except as otherwise provided in division (C) (2) (c), 114
(d), or (e) of this section, if the offense was committed in the 115
vicinity of a school or in the vicinity of a juvenile, 116
trafficking in drugs is a felony of the fourth degree, and 117
division (C) of section 2929.13 of the Revised Code applies in 118
determining whether to impose a prison term on the offender. 119

(c) Except as otherwise provided in this division, if the 120
amount of the drug involved equals or exceeds the bulk amount 121
but is less than five times the bulk amount, trafficking in 122
drugs is a felony of the fourth degree, and division (B) of 123
section 2929.13 of the Revised Code applies in determining 124
whether to impose a prison term for the offense. If the amount 125
of the drug involved is within that range and if the offense was 126
committed in the vicinity of a school or in the vicinity of a 127
juvenile, trafficking in drugs is a felony of the third degree, 128
and there is a presumption for a prison term for the offense. 129

(d) Except as otherwise provided in this division, if the 130
amount of the drug involved equals or exceeds five times the 131
bulk amount but is less than fifty times the bulk amount, 132
trafficking in drugs is a felony of the third degree, and there 133
is a presumption for a prison term for the offense. If the 134

amount of the drug involved is within that range and if the 135
offense was committed in the vicinity of a school or in the 136
vicinity of a juvenile, trafficking in drugs is a felony of the 137
second degree, and there is a presumption for a prison term for 138
the offense. 139

(e) Except as otherwise provided in this division, if the 140
amount of the drug involved equals or exceeds fifty times the 141
bulk amount, trafficking in drugs is a felony of the second 142
degree, and the court shall impose as a mandatory prison term 143
one of the prison terms prescribed for a felony of the second 144
degree. If the amount of the drug involved equals or exceeds 145
fifty times the bulk amount and if the offense was committed in 146
the vicinity of a school or in the vicinity of a juvenile, 147
trafficking in drugs is a felony of the first degree, and the 148
court shall impose as a mandatory prison term one of the prison 149
terms prescribed for a felony of the first degree. 150

(3) If the drug involved in the violation is marihuana or 151
a compound, mixture, preparation, or substance containing 152
marihuana other than hashish, whoever violates division (A) of 153
this section is guilty of trafficking in marihuana. The penalty 154
for the offense shall be determined as follows: 155

(a) Except as otherwise provided in division (C) (3) (b), 156
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 157
marihuana is a felony of the fifth degree, and division (B) of 158
section 2929.13 of the Revised Code applies in determining 159
whether to impose a prison term on the offender. 160

(b) Except as otherwise provided in division (C) (3) (c), 161
(d), (e), (f), (g), or (h) of this section, if the offense was 162
committed in the vicinity of a school or in the vicinity of a 163
juvenile, trafficking in marihuana is a felony of the fourth 164

degree, and division (B) of section 2929.13 of the Revised Code 165
applies in determining whether to impose a prison term on the 166
offender. 167

(c) Except as otherwise provided in this division, if the 168
amount of the drug involved equals or exceeds two hundred grams 169
but is less than one thousand grams, trafficking in marihuana is 170
a felony of the fourth degree, and division (B) of section 171
2929.13 of the Revised Code applies in determining whether to 172
impose a prison term on the offender. If the amount of the drug 173
involved is within that range and if the offense was committed 174
in the vicinity of a school or in the vicinity of a juvenile, 175
trafficking in marihuana is a felony of the third degree, and 176
division (C) of section 2929.13 of the Revised Code applies in 177
determining whether to impose a prison term on the offender. 178

(d) Except as otherwise provided in this division, if the 179
amount of the drug involved equals or exceeds one thousand grams 180
but is less than five thousand grams, trafficking in marihuana 181
is a felony of the third degree, and division (C) of section 182
2929.13 of the Revised Code applies in determining whether to 183
impose a prison term on the offender. If the amount of the drug 184
involved is within that range and if the offense was committed 185
in the vicinity of a school or in the vicinity of a juvenile, 186
trafficking in marihuana is a felony of the second degree, and 187
there is a presumption that a prison term shall be imposed for 188
the offense. 189

(e) Except as otherwise provided in this division, if the 190
amount of the drug involved equals or exceeds five thousand 191
grams but is less than twenty thousand grams, trafficking in 192
marihuana is a felony of the third degree, and there is a 193
presumption that a prison term shall be imposed for the offense. 194

If the amount of the drug involved is within that range and if 195
the offense was committed in the vicinity of a school or in the 196
vicinity of a juvenile, trafficking in marihuana is a felony of 197
the second degree, and there is a presumption that a prison term 198
shall be imposed for the offense. 199

(f) Except as otherwise provided in this division, if the 200
amount of the drug involved equals or exceeds twenty thousand 201
grams but is less than forty thousand grams, trafficking in 202
marihuana is a felony of the second degree, and the court shall 203
impose a mandatory prison term of five, six, seven, or eight 204
years. If the amount of the drug involved is within that range 205
and if the offense was committed in the vicinity of a school or 206
in the vicinity of a juvenile, trafficking in marihuana is a 207
felony of the first degree, and the court shall impose as a 208
mandatory prison term the maximum prison term prescribed for a 209
felony of the first degree. 210

(g) Except as otherwise provided in this division, if the 211
amount of the drug involved equals or exceeds forty thousand 212
grams, trafficking in marihuana is a felony of the second 213
degree, and the court shall impose as a mandatory prison term 214
the maximum prison term prescribed for a felony of the second 215
degree. If the amount of the drug involved equals or exceeds 216
forty thousand grams and if the offense was committed in the 217
vicinity of a school or in the vicinity of a juvenile, 218
trafficking in marihuana is a felony of the first degree, and 219
the court shall impose as a mandatory prison term the maximum 220
prison term prescribed for a felony of the first degree. 221

(h) Except as otherwise provided in this division, if the 222
offense involves a gift of twenty grams or less of marihuana, 223
trafficking in marihuana is a minor misdemeanor upon a first 224

offense and a misdemeanor of the third degree upon a subsequent 225
offense. If the offense involves a gift of twenty grams or less 226
of marihuana and if the offense was committed in the vicinity of 227
a school or in the vicinity of a juvenile, trafficking in 228
marihuana is a misdemeanor of the third degree. 229

(4) If the drug involved in the violation is cocaine or a 230
compound, mixture, preparation, or substance containing cocaine, 231
whoever violates division (A) of this section is guilty of 232
trafficking in cocaine. The penalty for the offense shall be 233
determined as follows: 234

(a) Except as otherwise provided in division (C) (4) (b), 235
(c), (d), (e), (f), or (g) of this section, trafficking in 236
cocaine is a felony of the fifth degree, and division (B) of 237
section 2929.13 of the Revised Code applies in determining 238
whether to impose a prison term on the offender. 239

(b) Except as otherwise provided in division (C) (4) (c), 240
(d), (e), (f), or (g) of this section, if the offense was 241
committed in the vicinity of a school or in the vicinity of a 242
juvenile, trafficking in cocaine is a felony of the fourth 243
degree, and division (C) of section 2929.13 of the Revised Code 244
applies in determining whether to impose a prison term on the 245
offender. 246

(c) Except as otherwise provided in this division, if the 247
amount of the drug involved equals or exceeds five grams but is 248
less than ten grams of cocaine, trafficking in cocaine is a 249
felony of the fourth degree, and division (B) of section 2929.13 250
of the Revised Code applies in determining whether to impose a 251
prison term for the offense. If the amount of the drug involved 252
is within that range and if the offense was committed in the 253
vicinity of a school or in the vicinity of a juvenile, 254

trafficking in cocaine is a felony of the third degree, and 255
there is a presumption for a prison term for the offense. 256

(d) Except as otherwise provided in this division, if the 257
amount of the drug involved equals or exceeds ten grams but is 258
less than twenty grams of cocaine, trafficking in cocaine is a 259
felony of the third degree, and, except as otherwise provided in 260
this division, there is a presumption for a prison term for the 261
offense. If trafficking in cocaine is a felony of the third 262
degree under this division and if the offender two or more times 263
previously has been convicted of or pleaded guilty to a felony 264
drug abuse offense, the court shall impose as a mandatory prison 265
term one of the prison terms prescribed for a felony of the 266
third degree. If the amount of the drug involved is within that 267
range and if the offense was committed in the vicinity of a 268
school or in the vicinity of a juvenile, trafficking in cocaine 269
is a felony of the second degree, and the court shall impose as 270
a mandatory prison term one of the prison terms prescribed for a 271
felony of the second degree. 272

(e) Except as otherwise provided in this division, if the 273
amount of the drug involved equals or exceeds twenty grams but 274
is less than twenty-seven grams of cocaine, trafficking in 275
cocaine is a felony of the second degree, and the court shall 276
impose as a mandatory prison term one of the prison terms 277
prescribed for a felony of the second degree. If the amount of 278
the drug involved is within that range and if the offense was 279
committed in the vicinity of a school or in the vicinity of a 280
juvenile, trafficking in cocaine is a felony of the first 281
degree, and the court shall impose as a mandatory prison term 282
one of the prison terms prescribed for a felony of the first 283
degree. 284

(f) If the amount of the drug involved equals or exceeds 285
twenty-seven grams but is less than one hundred grams of cocaine 286
and regardless of whether the offense was committed in the 287
vicinity of a school or in the vicinity of a juvenile, 288
trafficking in cocaine is a felony of the first degree, and the 289
court shall impose as a mandatory prison term one of the prison 290
terms prescribed for a felony of the first degree. 291

(g) If the amount of the drug involved equals or exceeds 292
one hundred grams of cocaine and regardless of whether the 293
offense was committed in the vicinity of a school or in the 294
vicinity of a juvenile, trafficking in cocaine is a felony of 295
the first degree, the offender is a major drug offender, and the 296
court shall impose as a mandatory prison term the maximum prison 297
term prescribed for a felony of the first degree. 298

(5) If the drug involved in the violation is L.S.D. or a 299
compound, mixture, preparation, or substance containing L.S.D., 300
whoever violates division (A) of this section is guilty of 301
trafficking in L.S.D. The penalty for the offense shall be 302
determined as follows: 303

(a) Except as otherwise provided in division (C) (5) (b), 304
(c), (d), (e), (f), or (g) of this section, trafficking in 305
L.S.D. is a felony of the fifth degree, and division (B) of 306
section 2929.13 of the Revised Code applies in determining 307
whether to impose a prison term on the offender. 308

(b) Except as otherwise provided in division (C) (5) (c), 309
(d), (e), (f), or (g) of this section, if the offense was 310
committed in the vicinity of a school or in the vicinity of a 311
juvenile, trafficking in L.S.D. is a felony of the fourth 312
degree, and division (C) of section 2929.13 of the Revised Code 313
applies in determining whether to impose a prison term on the 314

offender. 315

(c) Except as otherwise provided in this division, if the 316
amount of the drug involved equals or exceeds ten unit doses but 317
is less than fifty unit doses of L.S.D. in a solid form or 318
equals or exceeds one gram but is less than five grams of L.S.D. 319
in a liquid concentrate, liquid extract, or liquid distillate 320
form, trafficking in L.S.D. is a felony of the fourth degree, 321
and division (B) of section 2929.13 of the Revised Code applies 322
in determining whether to impose a prison term for the offense. 323
If the amount of the drug involved is within that range and if 324
the offense was committed in the vicinity of a school or in the 325
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 326
third degree, and there is a presumption for a prison term for 327
the offense. 328

(d) Except as otherwise provided in this division, if the 329
amount of the drug involved equals or exceeds fifty unit doses 330
but is less than two hundred fifty unit doses of L.S.D. in a 331
solid form or equals or exceeds five grams but is less than 332
twenty-five grams of L.S.D. in a liquid concentrate, liquid 333
extract, or liquid distillate form, trafficking in L.S.D. is a 334
felony of the third degree, and, except as otherwise provided in 335
this division, there is a presumption for a prison term for the 336
offense. If trafficking in L.S.D. is a felony of the third 337
degree under this division and if the offender two or more times 338
previously has been convicted of or pleaded guilty to a felony 339
drug abuse offense, the court shall impose as a mandatory prison 340
term one of the prison terms prescribed for a felony of the 341
third degree. If the amount of the drug involved is within that 342
range and if the offense was committed in the vicinity of a 343
school or in the vicinity of a juvenile, trafficking in L.S.D. 344
is a felony of the second degree, and the court shall impose as 345

a mandatory prison term one of the prison terms prescribed for a 346
felony of the second degree. 347

(e) Except as otherwise provided in this division, if the 348
amount of the drug involved equals or exceeds two hundred fifty 349
unit doses but is less than one thousand unit doses of L.S.D. in 350
a solid form or equals or exceeds twenty-five grams but is less 351
than one hundred grams of L.S.D. in a liquid concentrate, liquid 352
extract, or liquid distillate form, trafficking in L.S.D. is a 353
felony of the second degree, and the court shall impose as a 354
mandatory prison term one of the prison terms prescribed for a 355
felony of the second degree. If the amount of the drug involved 356
is within that range and if the offense was committed in the 357
vicinity of a school or in the vicinity of a juvenile, 358
trafficking in L.S.D. is a felony of the first degree, and the 359
court shall impose as a mandatory prison term one of the prison 360
terms prescribed for a felony of the first degree. 361

(f) If the amount of the drug involved equals or exceeds 362
one thousand unit doses but is less than five thousand unit 363
doses of L.S.D. in a solid form or equals or exceeds one hundred 364
grams but is less than five hundred grams of L.S.D. in a liquid 365
concentrate, liquid extract, or liquid distillate form and 366
regardless of whether the offense was committed in the vicinity 367
of a school or in the vicinity of a juvenile, trafficking in 368
L.S.D. is a felony of the first degree, and the court shall 369
impose as a mandatory prison term one of the prison terms 370
prescribed for a felony of the first degree. 371

(g) If the amount of the drug involved equals or exceeds 372
five thousand unit doses of L.S.D. in a solid form or equals or 373
exceeds five hundred grams of L.S.D. in a liquid concentrate, 374
liquid extract, or liquid distillate form and regardless of 375

whether the offense was committed in the vicinity of a school or 376
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 377
of the first degree, the offender is a major drug offender, and 378
the court shall impose as a mandatory prison term the maximum 379
prison term prescribed for a felony of the first degree. 380

(6) If the drug involved in the violation is heroin or a 381
compound, mixture, preparation, or substance containing heroin, 382
whoever violates division (A) of this section is guilty of 383
trafficking in heroin. The penalty for the offense shall be 384
determined as follows: 385

(a) Except as otherwise provided in division (C) (6) (b), 386
(c), (d), (e), (f), or (g) of this section, trafficking in 387
heroin is a felony of the fifth degree, and division (B) of 388
section 2929.13 of the Revised Code applies in determining 389
whether to impose a prison term on the offender. 390

(b) Except as otherwise provided in division (C) (6) (c), 391
(d), (e), (f), or (g) of this section, if the offense was 392
committed in the vicinity of a school or in the vicinity of a 393
juvenile, trafficking in heroin is a felony of the fourth 394
degree, and division (C) of section 2929.13 of the Revised Code 395
applies in determining whether to impose a prison term on the 396
offender. 397

(c) Except as otherwise provided in this division, if the 398
amount of the drug involved equals or exceeds ten unit doses but 399
is less than fifty unit doses or equals or exceeds one gram but 400
is less than five grams, trafficking in heroin is a felony of 401
the fourth degree, and division (B) of section 2929.13 of the 402
Revised Code applies in determining whether to impose a prison 403
term for the offense. If the amount of the drug involved is 404
within that range and if the offense was committed in the 405

vicinity of a school or in the vicinity of a juvenile, 406
trafficking in heroin is a felony of the third degree, and there 407
is a presumption for a prison term for the offense. 408

(d) Except as otherwise provided in this division, if the 409
amount of the drug involved equals or exceeds fifty unit doses 410
but is less than one hundred unit doses or equals or exceeds 411
five grams but is less than ten grams, trafficking in heroin is 412
a felony of the third degree, and there is a presumption for a 413
prison term for the offense. If the amount of the drug involved 414
is within that range and if the offense was committed in the 415
vicinity of a school or in the vicinity of a juvenile, 416
trafficking in heroin is a felony of the second degree, and 417
there is a presumption for a prison term for the offense. 418

(e) Except as otherwise provided in this division, if the 419
amount of the drug involved equals or exceeds one hundred unit 420
doses but is less than five hundred unit doses or equals or 421
exceeds ten grams but is less than fifty grams, trafficking in 422
heroin is a felony of the second degree, and the court shall 423
impose as a mandatory prison term one of the prison terms 424
prescribed for a felony of the second degree. If the amount of 425
the drug involved is within that range and if the offense was 426
committed in the vicinity of a school or in the vicinity of a 427
juvenile, trafficking in heroin is a felony of the first degree, 428
and the court shall impose as a mandatory prison term one of the 429
prison terms prescribed for a felony of the first degree. 430

(f) If the amount of the drug involved equals or exceeds 431
five hundred unit doses but is less than ~~two one~~ thousand ~~five~~ 432
~~hundred~~ unit doses or equals or exceeds fifty grams but is less 433
than ~~two one~~ hundred ~~fifty~~ grams and regardless of whether the 434
offense was committed in the vicinity of a school or in the 435

vicinity of a juvenile, trafficking in heroin is a felony of the 436
first degree, and the court shall impose as a mandatory prison 437
term one of the prison terms prescribed for a felony of the 438
first degree. 439

(g) If the amount of the drug involved equals or exceeds 440
~~two one thousand five hundred~~ unit doses or equals or exceeds 441
~~two one hundred fifty~~ grams and regardless of whether the 442
offense was committed in the vicinity of a school or in the 443
vicinity of a juvenile, trafficking in heroin is a felony of the 444
first degree, the offender is a major drug offender, and the 445
court shall impose as a mandatory prison term the maximum prison 446
term prescribed for a felony of the first degree. 447

(7) If the drug involved in the violation is hashish or a 448
compound, mixture, preparation, or substance containing hashish, 449
whoever violates division (A) of this section is guilty of 450
trafficking in hashish. The penalty for the offense shall be 451
determined as follows: 452

(a) Except as otherwise provided in division (C) (7) (b), 453
(c), (d), (e), (f), or (g) of this section, trafficking in 454
hashish is a felony of the fifth degree, and division (B) of 455
section 2929.13 of the Revised Code applies in determining 456
whether to impose a prison term on the offender. 457

(b) Except as otherwise provided in division (C) (7) (c), 458
(d), (e), (f), or (g) of this section, if the offense was 459
committed in the vicinity of a school or in the vicinity of a 460
juvenile, trafficking in hashish is a felony of the fourth 461
degree, and division (B) of section 2929.13 of the Revised Code 462
applies in determining whether to impose a prison term on the 463
offender. 464

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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.

(d) Except as otherwise provided in this division, 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, trafficking in 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. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, 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 496
extract, or liquid distillate form, trafficking in hashish is a 497
felony of the third degree, and there is a presumption that a 498
prison term shall be imposed for the offense. If the amount of 499
the drug involved is within that range and if the offense was 500
committed in the vicinity of a school or in the vicinity of a 501
juvenile, trafficking in hashish is a felony of the second 502
degree, and there is a presumption that a prison term shall be 503
imposed for the offense. 504

(f) Except as otherwise provided in this division, if the 505
amount of the drug involved equals or exceeds one thousand grams 506
but is less than two thousand grams of hashish in a solid form 507
or equals or exceeds two hundred grams but is less than four 508
hundred grams of hashish in a liquid concentrate, liquid 509
extract, or liquid distillate form, trafficking in hashish is a 510
felony of the second degree, and the court shall impose a 511
mandatory prison term of five, six, seven, or eight years. If 512
the amount of the drug involved is within that range and if the 513
offense was committed in the vicinity of a school or in the 514
vicinity of a juvenile, trafficking in hashish is a felony of 515
the first degree, and the court shall impose as a mandatory 516
prison term the maximum prison term prescribed for a felony of 517
the first degree. 518

(g) Except as otherwise provided in this division, if the 519
amount of the drug involved equals or exceeds two thousand grams 520
of hashish in a solid form or equals or exceeds four hundred 521
grams of hashish in a liquid concentrate, liquid extract, or 522
liquid distillate form, trafficking in hashish is a felony of 523
the second degree, and the court shall impose as a mandatory 524
prison term the maximum prison term prescribed for a felony of 525
the second degree. If the amount of the drug involved equals or 526

exceeds two thousand grams of hashish in a solid form or equals 527
or exceeds four hundred grams of hashish in a liquid 528
concentrate, liquid extract, or liquid distillate form and if 529
the offense was committed in the vicinity of a school or in the 530
vicinity of a juvenile, trafficking in hashish is a felony of 531
the first degree, and the court shall impose as a mandatory 532
prison term the maximum prison term prescribed for a felony of 533
the first degree. 534

(8) If the drug involved in the violation is a controlled 535
substance analog or compound, mixture, preparation, or substance 536
that contains a controlled substance analog, whoever violates 537
division (A) of this section is guilty of trafficking in a 538
controlled substance analog. The penalty for the offense shall 539
be determined as follows: 540

(a) Except as otherwise provided in division (C) (8) (b), 541
(c), (d), (e), (f), or (g) of this section, trafficking in a 542
controlled substance analog is a felony of the fifth degree, and 543
division (C) of section 2929.13 of the Revised Code applies in 544
determining whether to impose a prison term on the offender. 545

(b) Except as otherwise provided in division (C) (8) (c), 546
(d), (e), (f), or (g) of this section, if the offense was 547
committed in the vicinity of a school or in the vicinity of a 548
juvenile, trafficking in a controlled substance analog is a 549
felony of the fourth degree, and division (C) of section 2929.13 550
of the Revised Code applies in determining whether to impose a 551
prison term on the offender. 552

(c) Except as otherwise provided in this division, if the 553
amount of the drug involved equals or exceeds ten grams but is 554
less than twenty grams, trafficking in a controlled substance 555
analog is a felony of the fourth degree, and division (B) of 556

section 2929.13 of the Revised Code applies in determining 557
whether to impose a prison term for the offense. If the amount 558
of the drug involved is within that range and if the offense was 559
committed in the vicinity of a school or in the vicinity of a 560
juvenile, trafficking in a controlled substance analog is a 561
felony of the third degree, and there is a presumption for a 562
prison term for the offense. 563

(d) Except as otherwise provided in this division, if the 564
amount of the drug involved equals or exceeds twenty grams but 565
is less than thirty grams, trafficking in a controlled substance 566
analog is a felony of the third degree, and there is a 567
presumption for a prison term for the offense. If the amount of 568
the drug involved is within that range and if the offense was 569
committed in the vicinity of a school or in the vicinity of a 570
juvenile, trafficking in a controlled substance analog is a 571
felony of the second degree, and there is a presumption for a 572
prison term for the offense. 573

(e) Except as otherwise provided in this division, if the 574
amount of the drug involved equals or exceeds thirty grams but 575
is less than forty grams, trafficking in a controlled substance 576
analog is a felony of the second degree, and the court shall 577
impose as a mandatory prison term one of the prison terms 578
prescribed for a felony of the second degree. If the amount of 579
the drug involved is within that range and if the offense was 580
committed in the vicinity of a school or in the vicinity of a 581
juvenile, trafficking in a controlled substance analog is a 582
felony of the first degree, and the court shall impose as a 583
mandatory prison term one of the prison terms prescribed for a 584
felony of the first degree. 585

(f) If the amount of the drug involved equals or exceeds 586

forty grams but is less than fifty grams and regardless of 587
whether the offense was committed in the vicinity of a school or 588
in the vicinity of a juvenile, trafficking in a controlled 589
substance analog is a felony of the first degree, and the court 590
shall impose as a mandatory prison term one of the prison terms 591
prescribed for a felony of the first degree. 592

(g) If the amount of the drug involved equals or exceeds 593
fifty grams and regardless of whether the offense was committed 594
in the vicinity of a school or in the vicinity of a juvenile, 595
trafficking in a controlled substance analog is a felony of the 596
first degree, the offender is a major drug offender, and the 597
court shall impose as a mandatory prison term the maximum prison 598
term prescribed for a felony of the first degree. 599

(D) In addition to any prison term authorized or required 600
by division (C) of this section and sections 2929.13 and 2929.14 601
of the Revised Code, and in addition to any other sanction 602
imposed for the offense under this section or sections 2929.11 603
to 2929.18 of the Revised Code, the court that sentences an 604
offender who is convicted of or pleads guilty to a violation of 605
division (A) of this section shall do all of the following that 606
are applicable regarding the offender: 607

(1) If the violation of division (A) of this section is a 608
felony of the first, second, or third degree, the court shall 609
impose upon the offender the mandatory fine specified for the 610
offense under division (B) (1) of section 2929.18 of the Revised 611
Code unless, as specified in that division, the court determines 612
that the offender is indigent. Except as otherwise provided in 613
division (H) (1) of this section, a mandatory fine or any other 614
fine imposed for a violation of this section is subject to 615
division (F) of this section. If a person is charged with a 616

violation of this section that is a felony of the first, second, 617
or third degree, posts bail, and forfeits the bail, the clerk of 618
the court shall pay the forfeited bail pursuant to divisions (D) 619
(1) and (F) of this section, as if the forfeited bail was a fine 620
imposed for a violation of this section. If any amount of the 621
forfeited bail remains after that payment and if a fine is 622
imposed under division (H) (1) of this section, the clerk of the 623
court shall pay the remaining amount of the forfeited bail 624
pursuant to divisions (H) (2) and (3) of this section, as if that 625
remaining amount was a fine imposed under division (H) (1) of 626
this section. 627

(2) The court shall suspend the driver's or commercial 628
driver's license or permit of the offender in accordance with 629
division (G) of this section. 630

(3) If the offender is a professionally licensed person, 631
the court immediately shall comply with section 2925.38 of the 632
Revised Code. 633

(E) When a person is charged with the sale of or offer to 634
sell a bulk amount or a multiple of a bulk amount of a 635
controlled substance, the jury, or the court trying the accused, 636
shall determine the amount of the controlled substance involved 637
at the time of the offense and, if a guilty verdict is returned, 638
shall return the findings as part of the verdict. In any such 639
case, it is unnecessary to find and return the exact amount of 640
the controlled substance involved, and it is sufficient if the 641
finding and return is to the effect that the amount of the 642
controlled substance involved is the requisite amount, or that 643
the amount of the controlled substance involved is less than the 644
requisite amount. 645

(F) (1) Notwithstanding any contrary provision of section 646

3719.21 of the Revised Code and except as provided in division 647
(H) of this section, the clerk of the court shall pay any 648
mandatory fine imposed pursuant to division (D)(1) of this 649
section and any fine other than a mandatory fine that is imposed 650
for a violation of this section pursuant to division (A) or (B) 651
(5) of section 2929.18 of the Revised Code to the county, 652
township, municipal corporation, park district, as created 653
pursuant to section 511.18 or 1545.04 of the Revised Code, or 654
state law enforcement agencies in this state that primarily were 655
responsible for or involved in making the arrest of, and in 656
prosecuting, the offender. However, the clerk shall not pay a 657
mandatory fine so imposed to a law enforcement agency unless the 658
agency has adopted a written internal control policy under 659
division (F)(2) of this section that addresses the use of the 660
fine moneys that it receives. Each agency shall use the 661
mandatory fines so paid to subsidize the agency's law 662
enforcement efforts that pertain to drug offenses, in accordance 663
with the written internal control policy adopted by the 664
recipient agency under division (F)(2) of this section. 665

(2) Prior to receiving any fine moneys under division (F) 666
(1) of this section or division (B) of section 2925.42 of the 667
Revised Code, a law enforcement agency shall adopt a written 668
internal control policy that addresses the agency's use and 669
disposition of all fine moneys so received and that provides for 670
the keeping of detailed financial records of the receipts of 671
those fine moneys, the general types of expenditures made out of 672
those fine moneys, and the specific amount of each general type 673
of expenditure. The policy shall not provide for or permit the 674
identification of any specific expenditure that is made in an 675
ongoing investigation. All financial records of the receipts of 676
those fine moneys, the general types of expenditures made out of 677

those fine moneys, and the specific amount of each general type 678
of expenditure by an agency are public records open for 679
inspection under section 149.43 of the Revised Code. 680
Additionally, a written internal control policy adopted under 681
this division is such a public record, and the agency that 682
adopted it shall comply with it. 683

(3) As used in division (F) of this section: 684

(a) "Law enforcement agencies" includes, but is not 685
limited to, the state board of pharmacy and the office of a 686
prosecutor. 687

(b) "Prosecutor" has the same meaning as in section 688
2935.01 of the Revised Code. 689

(G) When required under division (D)(2) of this section or 690
any other provision of this chapter, the court shall suspend for 691
not less than six months or more than five years the driver's or 692
commercial driver's license or permit of any person who is 693
convicted of or pleads guilty to any violation of this section 694
or any other specified provision of this chapter. If an 695
offender's driver's or commercial driver's license or permit is 696
suspended pursuant to this division, the offender, at any time 697
after the expiration of two years from the day on which the 698
offender's sentence was imposed or from the day on which the 699
offender finally was released from a prison term under the 700
sentence, whichever is later, may file a motion with the 701
sentencing court requesting termination of the suspension; upon 702
the filing of such a motion and the court's finding of good 703
cause for the termination, the court may terminate the 704
suspension. 705

(H) (1) In addition to any prison term authorized or 706

required by division (C) of this section and sections 2929.13 707
and 2929.14 of the Revised Code, in addition to any other 708
penalty or sanction imposed for the offense under this section 709
or sections 2929.11 to 2929.18 of the Revised Code, and in 710
addition to the forfeiture of property in connection with the 711
offense as prescribed in Chapter 2981. of the Revised Code, the 712
court that sentences an offender who is convicted of or pleads 713
guilty to a violation of division (A) of this section may impose 714
upon the offender an additional fine specified for the offense 715
in division (B)(4) of section 2929.18 of the Revised Code. A 716
fine imposed under division (H)(1) of this section is not 717
subject to division (F) of this section and shall be used solely 718
for the support of one or more eligible community addiction 719
~~services-provider~~ providers in accordance with divisions (H)(2) 720
and (3) of this section. 721

(2) The court that imposes a fine under division (H)(1) of 722
this section shall specify in the judgment that imposes the fine 723
one or more eligible community addiction ~~services-provider~~ 724
providers for the support of which the fine money is to be used. 725
No community addiction services provider shall receive or use 726
money paid or collected in satisfaction of a fine imposed under 727
division (H)(1) of this section unless the services provider is 728
specified in the judgment that imposes the fine. No community 729
addiction services provider shall be specified in the judgment 730
unless the services provider is an eligible community addiction 731
services provider and, except as otherwise provided in division 732
(H)(2) of this section, unless the services provider is located 733
in the county in which the court that imposes the fine is 734
located or in a county that is immediately contiguous to the 735
county in which that court is located. If no eligible community 736
addiction services provider is located in any of those counties, 737

the judgment may specify an eligible community addiction 738
services provider that is located anywhere within this state. 739

(3) Notwithstanding any contrary provision of section 740
3719.21 of the Revised Code, the clerk of the court shall pay 741
any fine imposed under division (H) (1) of this section to the 742
eligible community addiction services provider specified 743
pursuant to division (H) (2) of this section in the judgment. The 744
eligible community addiction services provider that receives the 745
fine moneys shall use the moneys only for the alcohol and drug 746
addiction services identified in the application for 747
certification under section 5119.36 of the Revised Code or in 748
the application for a license under section 5119.391 of the 749
Revised Code filed with the department of mental health and 750
addiction services by the community addiction services provider 751
specified in the judgment. 752

(4) Each community addiction services provider that 753
receives in a calendar year any fine moneys under division (H) 754
(3) of this section shall file an annual report covering that 755
calendar year with the court of common pleas and the board of 756
county commissioners of the county in which the services 757
provider is located, with the court of common pleas and the 758
board of county commissioners of each county from which the 759
services provider received the moneys if that county is 760
different from the county in which the services provider is 761
located, and with the attorney general. The community addiction 762
services provider shall file the report no later than the first 763
day of March in the calendar year following the calendar year in 764
which the services provider received the fine moneys. The report 765
shall include statistics on the number of persons served by the 766
community addiction services provider, identify the types of 767
alcohol and drug addiction services provided to those persons, 768

and include a specific accounting of the purposes for which the 769
fine moneys received were used. No information contained in the 770
report shall identify, or enable a person to determine the 771
identity of, any person served by the community addiction 772
services provider. Each report received by a court of common 773
pleas, a board of county commissioners, or the attorney general 774
is a public record open for inspection under section 149.43 of 775
the Revised Code. 776

(5) As used in divisions (H) (1) to (5) of this section: 777

(a) "Community addiction services provider" and "alcohol 778
and drug addiction services" have the same meanings as in 779
section 5119.01 of the Revised Code. 780

(b) "Eligible community addiction services provider" means 781
a community addiction services provider that is certified under 782
section 5119.36 of the Revised Code or licensed under section 783
5119.391 of the Revised Code by the department of mental health 784
and addiction services. 785

(I) As used in this section, "drug" includes any substance 786
that is represented to be a drug. 787

(J) It is an affirmative defense to a charge of 788
trafficking in a controlled substance analog under division (C) 789
(8) of this section that the person charged with violating that 790
offense sold or offered to sell, or prepared for shipment, 791
shipped, transported, delivered, prepared for distribution, or 792
distributed an item described in division (HH) (2) (a), (b), or 793
(c) of section 3719.01 of the Revised Code. 794

Sec. 2925.11. (A) No person shall knowingly obtain, 795
possess, or use a controlled substance or a controlled substance 796
analog. 797

(B) This section does not apply to any of the following:	798
(1) Manufacturers, licensed health professionals	799
authorized to prescribe drugs, pharmacists, owners of	800
pharmacies, and other persons whose conduct was in accordance	801
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	802
4741. of the Revised Code;	803
(2) If the offense involves an anabolic steroid, any	804
person who is conducting or participating in a research project	805
involving the use of an anabolic steroid if the project has been	806
approved by the United States food and drug administration;	807
(3) Any person who sells, offers for sale, prescribes,	808
dispenses, or administers for livestock or other nonhuman	809
species an anabolic steroid that is expressly intended for	810
administration through implants to livestock or other nonhuman	811
species and approved for that purpose under the "Federal Food,	812
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	813
as amended, and is sold, offered for sale, prescribed,	814
dispensed, or administered for that purpose in accordance with	815
that act;	816
(4) Any person who obtained the controlled substance	817
pursuant to a lawful prescription issued by a licensed health	818
professional authorized to prescribe drugs.	819
(C) Whoever violates division (A) of this section is	820
guilty of one of the following:	821
(1) If the drug involved in the violation is a compound,	822
mixture, preparation, or substance included in schedule I or II,	823
with the exception of marihuana, cocaine, L.S.D., heroin,	824
hashish, and controlled substance analogs, whoever violates	825
division (A) of this section is guilty of aggravated possession	826

of drugs. The penalty for the offense shall be determined as 827
follows: 828

(a) Except as otherwise provided in division (C) (1) (b), 829
(c), (d), or (e) of this section, aggravated possession of drugs 830
is a felony of the fifth degree, and division (B) of section 831
2929.13 of the Revised Code applies in determining whether to 832
impose a prison term on the offender. 833

(b) If the amount of the drug involved equals or exceeds 834
the bulk amount but is less than five times the bulk amount, 835
aggravated possession of drugs is a felony of the third degree, 836
and there is a presumption for a prison term for the offense. 837

(c) If the amount of the drug involved equals or exceeds 838
five times the bulk amount but is less than fifty times the bulk 839
amount, aggravated possession of drugs is a felony of the second 840
degree, and the court shall impose as a mandatory prison term 841
one of the prison terms prescribed for a felony of the second 842
degree. 843

(d) If the amount of the drug involved equals or exceeds 844
fifty times the bulk amount but is less than one hundred times 845
the bulk amount, aggravated possession of drugs is a felony of 846
the first degree, and the court shall impose as a mandatory 847
prison term one of the prison terms prescribed for a felony of 848
the first degree. 849

(e) If the amount of the drug involved equals or exceeds 850
one hundred times the bulk amount, aggravated possession of 851
drugs is a felony of the first degree, the offender is a major 852
drug offender, and the court shall impose as a mandatory prison 853
term the maximum prison term prescribed for a felony of the 854
first degree. 855

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

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

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs is a felony of the fourth degree, and division (C) 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 five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

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

(a) Except as otherwise provided in division (C) (3) (b), 885
(c), (d), (e), (f), or (g) of this section, possession of 886
marihuana is a minor misdemeanor. 887

(b) If the amount of the drug involved equals or exceeds 888
one hundred grams but is less than two hundred grams, possession 889
of marihuana is a misdemeanor of the fourth degree. 890

(c) If the amount of the drug involved equals or exceeds 891
two hundred grams but is less than one thousand grams, 892
possession of marihuana is a felony of the fifth degree, and 893
division (B) of section 2929.13 of the Revised Code applies in 894
determining whether to impose a prison term on the offender. 895

(d) If the amount of the drug involved equals or exceeds 896
one thousand grams but is less than five thousand grams, 897
possession of marihuana is a felony of the third degree, and 898
division (C) of section 2929.13 of the Revised Code applies in 899
determining whether to impose a prison term on the offender. 900

(e) If the amount of the drug involved equals or exceeds 901
five thousand grams but is less than twenty thousand grams, 902
possession of marihuana is a felony of the third degree, and 903
there is a presumption that a prison term shall be imposed for 904
the offense. 905

(f) If the amount of the drug involved equals or exceeds 906
twenty thousand grams but is less than forty thousand grams, 907
possession of marihuana is a felony of the second degree, and 908
the court shall impose a mandatory prison term of five, six, 909
seven, or eight years. 910

(g) If the amount of the drug involved equals or exceeds 911
forty thousand grams, possession of marihuana is a felony of the 912
second degree, and the court shall impose as a mandatory prison 913

term the maximum prison term prescribed for a felony of the 914
second degree. 915

(4) If the drug involved in the violation is cocaine or a 916
compound, mixture, preparation, or substance containing cocaine, 917
whoever violates division (A) of this section is guilty of 918
possession of cocaine. The penalty for the offense shall be 919
determined as follows: 920

(a) Except as otherwise provided in division (C) (4) (b), 921
(c), (d), (e), or (f) of this section, possession of cocaine is 922
a felony of the fifth degree, and division (B) of section 923
2929.13 of the Revised Code applies in determining whether to 924
impose a prison term on the offender. 925

(b) If the amount of the drug involved equals or exceeds 926
five grams but is less than ten grams of cocaine, possession of 927
cocaine is a felony of the fourth degree, and division (B) of 928
section 2929.13 of the Revised Code applies in determining 929
whether to impose a prison term on the offender. 930

(c) If the amount of the drug involved equals or exceeds 931
ten grams but is less than twenty grams of cocaine, possession 932
of cocaine is a felony of the third degree, and, except as 933
otherwise provided in this division, there is a presumption for 934
a prison term for the offense. If possession of cocaine is a 935
felony of the third degree under this division and if the 936
offender two or more times previously has been convicted of or 937
pleaded guilty to a felony drug abuse offense, the court shall 938
impose as a mandatory prison term one of the prison terms 939
prescribed for a felony of the third degree. 940

(d) If the amount of the drug involved equals or exceeds 941
twenty grams but is less than twenty-seven grams of cocaine, 942

possession of cocaine is a felony of the second degree, and the 943
court shall impose as a mandatory prison term one of the prison 944
terms prescribed for a felony of the second degree. 945

(e) If the amount of the drug involved equals or exceeds 946
twenty-seven grams but is less than one hundred grams of 947
cocaine, possession of cocaine is a felony of the first degree, 948
and the court shall impose as a mandatory prison term one of the 949
prison terms prescribed for a felony of the first degree. 950

(f) If the amount of the drug involved equals or exceeds 951
one hundred grams of cocaine, possession of cocaine is a felony 952
of the first degree, the offender is a major drug offender, and 953
the court shall impose as a mandatory prison term the maximum 954
prison term prescribed for a felony of the first degree. 955

(5) If the drug involved in the violation is L.S.D., 956
whoever violates division (A) of this section is guilty of 957
possession of L.S.D. The penalty for the offense shall be 958
determined as follows: 959

(a) Except as otherwise provided in division (C) (5) (b), 960
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 961
felony of the fifth degree, and division (B) of section 2929.13 962
of the Revised Code applies in determining whether to impose a 963
prison term on the offender. 964

(b) If the amount of L.S.D. involved equals or exceeds ten 965
unit doses but is less than fifty unit doses of L.S.D. in a 966
solid form or equals or exceeds one gram but is less than five 967
grams of L.S.D. in a liquid concentrate, liquid extract, or 968
liquid distillate form, possession of L.S.D. is a felony of the 969
fourth degree, and division (C) of section 2929.13 of the 970
Revised Code applies in determining whether to impose a prison 971

term on the offender. 972

(c) If the amount of L.S.D. involved equals or exceeds 973
fifty unit doses, but is less than two hundred fifty unit doses 974
of L.S.D. in a solid form or equals or exceeds five grams but is 975
less than twenty-five grams of L.S.D. in a liquid concentrate, 976
liquid extract, or liquid distillate form, possession of L.S.D. 977
is a felony of the third degree, and there is a presumption for 978
a prison term for the offense. 979

(d) If the amount of L.S.D. involved equals or exceeds two 980
hundred fifty unit doses but is less than one thousand unit 981
doses of L.S.D. in a solid form or equals or exceeds twenty-five 982
grams but is less than one hundred grams of L.S.D. in a liquid 983
concentrate, liquid extract, or liquid distillate form, 984
possession of L.S.D. is a felony of the second degree, and the 985
court shall impose as a mandatory prison term one of the prison 986
terms prescribed for a felony of the second degree. 987

(e) If the amount of L.S.D. involved equals or exceeds one 988
thousand unit doses but is less than five thousand unit doses of 989
L.S.D. in a solid form or equals or exceeds one hundred grams 990
but is less than five hundred grams of L.S.D. in a liquid 991
concentrate, liquid extract, or liquid distillate form, 992
possession of L.S.D. is a felony of the first degree, and the 993
court shall impose as a mandatory prison term one of the prison 994
terms prescribed for a felony of the first degree. 995

(f) If the amount of L.S.D. involved equals or exceeds 996
five thousand unit doses of L.S.D. in a solid form or equals or 997
exceeds five hundred grams of L.S.D. in a liquid concentrate, 998
liquid extract, or liquid distillate form, possession of L.S.D. 999
is a felony of the first degree, the offender is a major drug 1000
offender, and the court shall impose as a mandatory prison term 1001

the maximum prison term prescribed for a felony of the first 1002
degree. 1003

(6) If the drug involved in the violation is heroin or a 1004
compound, mixture, preparation, or substance containing heroin, 1005
whoever violates division (A) of this section is guilty of 1006
possession of heroin. The penalty for the offense shall be 1007
determined as follows: 1008

(a) Except as otherwise provided in division (C) (6) (b), 1009
(c), (d), (e), or (f) of this section, possession of heroin is a 1010
felony of the fifth degree, and division (B) of section 2929.13 1011
of the Revised Code applies in determining whether to impose a 1012
prison term on the offender. 1013

(b) If the amount of the drug involved equals or exceeds 1014
ten unit doses but is less than fifty unit doses or equals or 1015
exceeds one gram but is less than five grams, possession of 1016
heroin is a felony of the fourth degree, and division (C) of 1017
section 2929.13 of the Revised Code applies in determining 1018
whether to impose a prison term on the offender. 1019

(c) If the amount of the drug involved equals or exceeds 1020
fifty unit doses but is less than one hundred unit doses or 1021
equals or exceeds five grams but is less than ten grams, 1022
possession of heroin is a felony of the third degree, and there 1023
is a presumption for a prison term for the offense. 1024

(d) If the amount of the drug involved equals or exceeds 1025
one hundred unit doses but is less than five hundred unit doses 1026
or equals or exceeds ten grams but is less than fifty grams, 1027
possession of heroin is a felony of the second degree, and the 1028
court shall impose as a mandatory prison term one of the prison 1029
terms prescribed for a felony of the second degree. 1030

(e) If the amount of the drug involved equals or exceeds 1031
five hundred unit doses but is less than ~~two one thousand five~~ 1032
~~hundred~~ unit doses or equals or exceeds fifty grams but is less 1033
than ~~two one hundred fifty~~ grams, possession of heroin is a 1034
felony of the first degree, and the court shall impose as a 1035
mandatory prison term one of the prison terms prescribed for a 1036
felony of the first degree. 1037

(f) If the amount of the drug involved equals or exceeds 1038
~~two one thousand five hundred~~ unit doses or equals or exceeds 1039
~~two one hundred fifty~~ grams, possession of heroin is a felony of 1040
the first degree, the offender is a major drug offender, and the 1041
court shall impose as a mandatory prison term the maximum prison 1042
term prescribed for a felony of the first degree. 1043

(7) If the drug involved in the violation is hashish or a 1044
compound, mixture, preparation, or substance containing hashish, 1045
whoever violates division (A) of this section is guilty of 1046
possession of hashish. The penalty for the offense shall be 1047
determined as follows: 1048

(a) Except as otherwise provided in division (C) (7) (b), 1049
(c), (d), (e), (f), or (g) of this section, possession of 1050
hashish is a minor misdemeanor. 1051

(b) If the amount of the drug involved equals or exceeds 1052
five grams but is less than ten grams of hashish in a solid form 1053
or equals or exceeds one gram but is less than two grams of 1054
hashish in a liquid concentrate, liquid extract, or liquid 1055
distillate form, possession of hashish is a misdemeanor of the 1056
fourth degree. 1057

(c) If the amount of the drug involved equals or exceeds 1058
ten grams but is less than fifty grams of hashish in a solid 1059

form or equals or exceeds two grams but is less than ten grams 1060
of hashish in a liquid concentrate, liquid extract, or liquid 1061
distillate form, possession of hashish is a felony of the fifth 1062
degree, and division (B) of section 2929.13 of the Revised Code 1063
applies in determining whether to impose a prison term on the 1064
offender. 1065

(d) If the amount of the drug involved equals or exceeds 1066
fifty grams but is less than two hundred fifty grams of hashish 1067
in a solid form or equals or exceeds ten grams but is less than 1068
fifty grams of hashish in a liquid concentrate, liquid extract, 1069
or liquid distillate form, possession of hashish is a felony of 1070
the third degree, and division (C) of section 2929.13 of the 1071
Revised Code applies in determining whether to impose a prison 1072
term on the offender. 1073

(e) If the amount of the drug involved equals or exceeds 1074
two hundred fifty grams but is less than one thousand grams of 1075
hashish in a solid form or equals or exceeds fifty grams but is 1076
less than two hundred grams of hashish in a liquid concentrate, 1077
liquid extract, or liquid distillate form, possession of hashish 1078
is a felony of the third degree, and there is a presumption that 1079
a prison term shall be imposed for the offense. 1080

(f) If the amount of the drug involved equals or exceeds 1081
one thousand grams but is less than two thousand grams of 1082
hashish in a solid form or equals or exceeds two hundred grams 1083
but is less than four hundred grams of hashish in a liquid 1084
concentrate, liquid extract, or liquid distillate form, 1085
possession of hashish is a felony of the second degree, and the 1086
court shall impose a mandatory prison term of five, six, seven, 1087
or eight years. 1088

(g) If the amount of the drug involved equals or exceeds 1089

two thousand grams of hashish in a solid form or equals or 1090
exceeds four hundred grams of hashish in a liquid concentrate, 1091
liquid extract, or liquid distillate form, possession of hashish 1092
is a felony of the second degree, and the court shall impose as 1093
a mandatory prison term the maximum prison term prescribed for a 1094
felony of the second degree. 1095

(8) If the drug involved is a controlled substance analog 1096
or compound, mixture, preparation, or substance that contains a 1097
controlled substance analog, whoever violates division (A) of 1098
this section is guilty of possession of a controlled substance 1099
analog. The penalty for the offense shall be determined as 1100
follows: 1101

(a) Except as otherwise provided in division (C) (8) (b), 1102
(c), (d), (e), or (f) of this section, possession of a 1103
controlled substance analog is a felony of the fifth degree, and 1104
division (B) of section 2929.13 of the Revised Code applies in 1105
determining whether to impose a prison term on the offender. 1106

(b) If the amount of the drug involved equals or exceeds 1107
ten grams but is less than twenty grams, possession of a 1108
controlled substance analog is a felony of the fourth degree, 1109
and there is a presumption for a prison term for the offense. 1110

(c) If the amount of the drug involved equals or exceeds 1111
twenty grams but is less than thirty grams, possession of a 1112
controlled substance analog is a felony of the third degree, and 1113
there is a presumption for a prison term for the offense. 1114

(d) If the amount of the drug involved equals or exceeds 1115
thirty grams but is less than forty grams, possession of a 1116
controlled substance analog is a felony of the second degree, 1117
and the court shall impose as a mandatory prison term one of the 1118

prison terms prescribed for a felony of the second degree. 1119

(e) If the amount of the drug involved equals or exceeds 1120
forty grams but is less than fifty grams, possession of a 1121
controlled substance analog is a felony of the first degree, and 1122
the court shall impose as a mandatory prison term one of the 1123
prison terms prescribed for a felony of the first degree. 1124

(f) If the amount of the drug involved equals or exceeds 1125
fifty grams, possession of a controlled substance analog is a 1126
felony of the first degree, the offender is a major drug 1127
offender, and the court shall impose as a mandatory prison term 1128
the maximum prison term prescribed for a felony of the first 1129
degree. 1130

(D) Arrest or conviction for a minor misdemeanor violation 1131
of this section does not constitute a criminal record and need 1132
not be reported by the person so arrested or convicted in 1133
response to any inquiries about the person's criminal record, 1134
including any inquiries contained in any application for 1135
employment, license, or other right or privilege, or made in 1136
connection with the person's appearance as a witness. 1137

(E) In addition to any prison term or jail term authorized 1138
or required by division (C) of this section and sections 1139
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1140
Code and in addition to any other sanction that is imposed for 1141
the offense under this section, sections 2929.11 to 2929.18, or 1142
sections 2929.21 to 2929.28 of the Revised Code, the court that 1143
sentences an offender who is convicted of or pleads guilty to a 1144
violation of division (A) of this section shall do all of the 1145
following that are applicable regarding the offender: 1146

(1) (a) If the violation is a felony of the first, second, 1147

or third degree, the court shall impose upon the offender the 1148
mandatory fine specified for the offense under division (B) (1) 1149
of section 2929.18 of the Revised Code unless, as specified in 1150
that division, the court determines that the offender is 1151
indigent. 1152

(b) Notwithstanding any contrary provision of section 1153
3719.21 of the Revised Code, the clerk of the court shall pay a 1154
mandatory fine or other fine imposed for a violation of this 1155
section pursuant to division (A) of section 2929.18 of the 1156
Revised Code in accordance with and subject to the requirements 1157
of division (F) of section 2925.03 of the Revised Code. The 1158
agency that receives the fine shall use the fine as specified in 1159
division (F) of section 2925.03 of the Revised Code. 1160

(c) If a person is charged with a violation of this 1161
section that is a felony of the first, second, or third degree, 1162
posts bail, and forfeits the bail, the clerk shall pay the 1163
forfeited bail pursuant to division (E) (1) (b) of this section as 1164
if it were a mandatory fine imposed under division (E) (1) (a) of 1165
this section. 1166

(2) The court shall suspend for not less than six months 1167
or more than five years the offender's driver's or commercial 1168
driver's license or permit. 1169

(3) If the offender is a professionally licensed person, 1170
in addition to any other sanction imposed for a violation of 1171
this section, the court immediately shall comply with section 1172
2925.38 of the Revised Code. 1173

(F) It is an affirmative defense, as provided in section 1174
2901.05 of the Revised Code, to a charge of a fourth degree 1175
felony violation under this section that the controlled 1176

substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C) (2), (4), (5), or (6) of this section 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 accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C) (2) of this section or a fifth degree felony violation of division (C) (4), (5), or (6) of this section respectively.

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

(H) It is an affirmative defense to a charge of possession of a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense obtained, possessed, or used an item described in division (HH) (2) (a), (b), or (c) of section 3719.01 of the Revised Code.

Sec. 2929.01. As used in this chapter:

(A) (1) "Alternative residential facility" means, subject to division (A) (2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may 1207
seek or maintain employment or may receive education, training, 1208
treatment, or habilitation. 1209

(b) It has received the appropriate license or certificate 1210
for any specialized education, training, treatment, 1211
habilitation, or other service that it provides from the 1212
government agency that is responsible for licensing or 1213
certifying that type of education, training, treatment, 1214
habilitation, or service. 1215

(2) "Alternative residential facility" does not include a 1216
community-based correctional facility, jail, halfway house, or 1217
prison. 1218

(B) "Basic probation supervision" means a requirement that 1219
the offender maintain contact with a person appointed to 1220
supervise the offender in accordance with sanctions imposed by 1221
the court or imposed by the parole board pursuant to section 1222
2967.28 of the Revised Code. "Basic probation supervision" 1223
includes basic parole supervision and basic post-release control 1224
supervision. 1225

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 1226
the same meanings as in section 2925.01 of the Revised Code. 1227

(D) "Community-based correctional facility" means a 1228
community-based correctional facility and program or district 1229
community-based correctional facility and program developed 1230
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 1231

(E) "Community control sanction" means a sanction that is 1232
not a prison term and that is described in section 2929.15, 1233
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 1234
that is not a jail term and that is described in section 1235

2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004.

(F) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.

(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.

(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(L) "Economic loss" means any economic detriment suffered 1265
by a victim as a direct and proximate result of the commission 1266
of an offense and includes any loss of income due to lost time 1267
at work because of any injury caused to the victim, and any 1268
property loss, medical cost, or funeral expense incurred as a 1269
result of the commission of the offense. "Economic loss" does 1270
not include non-economic loss or any punitive or exemplary 1271
damages. 1272

(M) "Education or training" includes study at, or in 1273
conjunction with a program offered by, a university, college, or 1274
technical college or vocational study and also includes the 1275
completion of primary school, secondary school, and literacy 1276
curricula or their equivalent. 1277

(N) "Firearm" has the same meaning as in section 2923.11 1278
of the Revised Code. 1279

(O) "Halfway house" means a facility licensed by the 1280
division of parole and community services of the department of 1281
rehabilitation and correction pursuant to section 2967.14 of the 1282
Revised Code as a suitable facility for the care and treatment 1283
of adult offenders. 1284

(P) "House arrest" means a period of confinement of an 1285
offender that is in the offender's home or in other premises 1286
specified by the sentencing court or by the parole board 1287
pursuant to section 2967.28 of the Revised Code and during which 1288
all of the following apply: 1289

(1) The offender is required to remain in the offender's 1290
home or other specified premises for the specified period of 1291
confinement, except for periods of time during which the 1292
offender is at the offender's place of employment or at other 1293

premises as authorized by the sentencing court or by the parole board. 1294
1295

(2) The offender is required to report periodically to a person designated by the court or parole board. 1296
1297

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board. 1298
1299
1300

(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision. 1301
1302
1303
1304
1305
1306
1307
1308
1309
1310

(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state. 1311
1312
1313
1314
1315

(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction. 1316
1317
1318
1319
1320

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) 1321
1322

of section 1547.99 of the Revised Code, division (E) of section 1323
2903.06 or division (D) of section 2903.08 of the Revised Code, 1324
division (E) or (G) of section 2929.24 of the Revised Code, 1325
division (B) of section 4510.14 of the Revised Code, or division 1326
(G) of section 4511.19 of the Revised Code or pursuant to any 1327
other provision of the Revised Code that requires a term in a 1328
jail for a misdemeanor conviction. 1329

(U) "Delinquent child" has the same meaning as in section 1330
2152.02 of the Revised Code. 1331

(V) "License violation report" means a report that is made 1332
by a sentencing court, or by the parole board pursuant to 1333
section 2967.28 of the Revised Code, to the regulatory or 1334
licensing board or agency that issued an offender a professional 1335
license or a license or permit to do business in this state and 1336
that specifies that the offender has been convicted of or 1337
pleaded guilty to an offense that may violate the conditions 1338
under which the offender's professional license or license or 1339
permit to do business in this state was granted or an offense 1340
for which the offender's professional license or license or 1341
permit to do business in this state may be revoked or suspended. 1342

(W) "Major drug offender" means an offender who is 1343
convicted of or pleads guilty to the possession of, sale of, or 1344
offer to sell any drug, compound, mixture, preparation, or 1345
substance that consists of or contains at least one thousand 1346
grams of hashish; at least one hundred grams of cocaine; at 1347
least ~~two one~~ thousand ~~five hundred~~ unit doses or ~~two one~~ 1348
hundred ~~fifty~~ grams of heroin; at least five thousand unit doses 1349
of L.S.D. or five hundred grams of L.S.D. in a liquid 1350
concentrate, liquid extract, or liquid distillate form; at least 1351
fifty grams of a controlled substance analog; or at least one 1352

hundred times the amount of any other schedule I or II 1353
controlled substance other than marihuana that is necessary to 1354
commit a felony of the third degree pursuant to section 2925.03, 1355
2925.04, 2925.05, or 2925.11 of the Revised Code that is based 1356
on the possession of, sale of, or offer to sell the controlled 1357
substance. 1358

(X) "Mandatory prison term" means any of the following: 1359

(1) Subject to division (X) (2) of this section, the term 1360
in prison that must be imposed for the offenses or circumstances 1361
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 1362
section 2929.13 and division (B) of section 2929.14 of the 1363
Revised Code. Except as provided in sections 2925.02, 2925.03, 1364
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 1365
maximum or another specific term is required under section 1366
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 1367
described in this division may be any prison term authorized for 1368
the level of offense. 1369

(2) The term of sixty or one hundred twenty days in prison 1370
that a sentencing court is required to impose for a third or 1371
fourth degree felony OVI offense pursuant to division (G) (2) of 1372
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 1373
of the Revised Code or the term of one, two, three, four, or 1374
five years in prison that a sentencing court is required to 1375
impose pursuant to division (G) (2) of section 2929.13 of the 1376
Revised Code. 1377

(3) The term in prison imposed pursuant to division (A) of 1378
section 2971.03 of the Revised Code for the offenses and in the 1379
circumstances described in division (F) (11) of section 2929.13 1380
of the Revised Code or pursuant to division (B) (1) (a), (b), or 1381
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 1382

section 2971.03 of the Revised Code and that term as modified or 1383
terminated pursuant to section 2971.05 of the Revised Code. 1384

(Y) "Monitored time" means a period of time during which 1385
an offender continues to be under the control of the sentencing 1386
court or parole board, subject to no conditions other than 1387
leading a law-abiding life. 1388

(Z) "Offender" means a person who, in this state, is 1389
convicted of or pleads guilty to a felony or a misdemeanor. 1390

(AA) "Prison" means a residential facility used for the 1391
confinement of convicted felony offenders that is under the 1392
control of the department of rehabilitation and correction but 1393
does not include a violation sanction center operated under 1394
authority of section 2967.141 of the Revised Code. 1395

(BB) "Prison term" includes either of the following 1396
sanctions for an offender: 1397

(1) A stated prison term; 1398

(2) A term in a prison shortened by, or with the approval 1399
of, the sentencing court pursuant to section 2929.143, 2929.20, 1400
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 1401

(CC) "Repeat violent offender" means a person about whom 1402
both of the following apply: 1403

(1) The person is being sentenced for committing or for 1404
complicity in committing any of the following: 1405

(a) Aggravated murder, murder, any felony of the first or 1406
second degree that is an offense of violence, or an attempt to 1407
commit any of these offenses if the attempt is a felony of the 1408
first or second degree; 1409

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section.

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.

(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.

(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.

(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or

programming pursuant to those sections. 1440

(GG) "Victim-offender mediation" means a reconciliation or 1441
mediation program that involves an offender and the victim of 1442
the offense committed by the offender and that includes a 1443
meeting in which the offender and the victim may discuss the 1444
offense, discuss restitution, and consider other sanctions for 1445
the offense. 1446

(HH) "Fourth degree felony OVI offense" means a violation 1447
of division (A) of section 4511.19 of the Revised Code that, 1448
under division (G) of that section, is a felony of the fourth 1449
degree. 1450

(II) "Mandatory term of local incarceration" means the 1451
term of sixty or one hundred twenty days in a jail, a community- 1452
based correctional facility, a halfway house, or an alternative 1453
residential facility that a sentencing court may impose upon a 1454
person who is convicted of or pleads guilty to a fourth degree 1455
felony OVI offense pursuant to division (G) (1) of section 1456
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 1457
section 4511.19 of the Revised Code. 1458

(JJ) "Designated homicide, assault, or kidnapping 1459
offense," "violent sex offense," "sexual motivation 1460
specification," "sexually violent offense," "sexually violent 1461
predator," and "sexually violent predator specification" have 1462
the same meanings as in section 2971.01 of the Revised Code. 1463

(KK) "Sexually oriented offense," "child-victim oriented 1464
offense," and "tier III sex offender/child-victim offender" have 1465
the same meanings as in section 2950.01 of the Revised Code. 1466

(LL) An offense is "committed in the vicinity of a child" 1467
if the offender commits the offense within thirty feet of or 1468

within the same residential unit as a child who is under 1469
eighteen years of age, regardless of whether the offender knows 1470
the age of the child or whether the offender knows the offense 1471
is being committed within thirty feet of or within the same 1472
residential unit as the child and regardless of whether the 1473
child actually views the commission of the offense. 1474

(MM) "Family or household member" has the same meaning as 1475
in section 2919.25 of the Revised Code. 1476

(NN) "Motor vehicle" and "manufactured home" have the same 1477
meanings as in section 4501.01 of the Revised Code. 1478

(OO) "Detention" and "detention facility" have the same 1479
meanings as in section 2921.01 of the Revised Code. 1480

(PP) "Third degree felony OVI offense" means a violation 1481
of division (A) of section 4511.19 of the Revised Code that, 1482
under division (G) of that section, is a felony of the third 1483
degree. 1484

(QQ) "Random drug testing" has the same meaning as in 1485
section 5120.63 of the Revised Code. 1486

(RR) "Felony sex offense" has the same meaning as in 1487
section 2967.28 of the Revised Code. 1488

(SS) "Body armor" has the same meaning as in section 1489
2941.1411 of the Revised Code. 1490

(TT) "Electronic monitoring" means monitoring through the 1491
use of an electronic monitoring device. 1492

(UU) "Electronic monitoring device" means any of the 1493
following: 1494

(1) Any device that can be operated by electrical or 1495

battery power and that conforms with all of the following: 1496

(a) The device has a transmitter that can be attached to a 1497
person, that will transmit a specified signal to a receiver of 1498
the type described in division (UU) (1) (b) of this section if the 1499
transmitter is removed from the person, turned off, or altered 1500
in any manner without prior court approval in relation to 1501
electronic monitoring or without prior approval of the 1502
department of rehabilitation and correction in relation to the 1503
use of an electronic monitoring device for an inmate on 1504
transitional control or otherwise is tampered with, that can 1505
transmit continuously and periodically a signal to that receiver 1506
when the person is within a specified distance from the 1507
receiver, and that can transmit an appropriate signal to that 1508
receiver if the person to whom it is attached travels a 1509
specified distance from that receiver. 1510

(b) The device has a receiver that can receive 1511
continuously the signals transmitted by a transmitter of the 1512
type described in division (UU) (1) (a) of this section, can 1513
transmit continuously those signals by a wireless or landline 1514
telephone connection to a central monitoring computer of the 1515
type described in division (UU) (1) (c) of this section, and can 1516
transmit continuously an appropriate signal to that central 1517
monitoring computer if the device has been turned off or altered 1518
without prior court approval or otherwise tampered with. The 1519
device is designed specifically for use in electronic 1520
monitoring, is not a converted wireless phone or another 1521
tracking device that is clearly not designed for electronic 1522
monitoring, and provides a means of text-based or voice 1523
communication with the person. 1524

(c) The device has a central monitoring computer that can 1525

receive continuously the signals transmitted by a wireless or 1526
landline telephone connection by a receiver of the type 1527
described in division (UU) (1) (b) of this section and can monitor 1528
continuously the person to whom an electronic monitoring device 1529
of the type described in division (UU) (1) (a) of this section is 1530
attached. 1531

(2) Any device that is not a device of the type described 1532
in division (UU) (1) of this section and that conforms with all 1533
of the following: 1534

(a) The device includes a transmitter and receiver that 1535
can monitor and determine the location of a subject person at 1536
any time, or at a designated point in time, through the use of a 1537
central monitoring computer or through other electronic means. 1538

(b) The device includes a transmitter and receiver that 1539
can determine at any time, or at a designated point in time, 1540
through the use of a central monitoring computer or other 1541
electronic means the fact that the transmitter is turned off or 1542
altered in any manner without prior approval of the court in 1543
relation to the electronic monitoring or without prior approval 1544
of the department of rehabilitation and correction in relation 1545
to the use of an electronic monitoring device for an inmate on 1546
transitional control or otherwise is tampered with. 1547

(3) Any type of technology that can adequately track or 1548
determine the location of a subject person at any time and that 1549
is approved by the director of rehabilitation and correction, 1550
including, but not limited to, any satellite technology, voice 1551
tracking system, or retinal scanning system that is so approved. 1552

(VV) "Non-economic loss" means nonpecuniary harm suffered 1553
by a victim of an offense as a result of or related to the 1554

commission of the offense, including, but not limited to, pain 1555
and suffering; loss of society, consortium, companionship, care, 1556
assistance, attention, protection, advice, guidance, counsel, 1557
instruction, training, or education; mental anguish; and any 1558
other intangible loss. 1559

(WW) "Prosecutor" has the same meaning as in section 1560
2935.01 of the Revised Code. 1561

(XX) "Continuous alcohol monitoring" means the ability to 1562
automatically test and periodically transmit alcohol consumption 1563
levels and tamper attempts at least every hour, regardless of 1564
the location of the person who is being monitored. 1565

(YY) A person is "adjudicated a sexually violent predator" 1566
if the person is convicted of or pleads guilty to a violent sex 1567
offense and also is convicted of or pleads guilty to a sexually 1568
violent predator specification that was included in the 1569
indictment, count in the indictment, or information charging 1570
that violent sex offense or if the person is convicted of or 1571
pleads guilty to a designated homicide, assault, or kidnapping 1572
offense and also is convicted of or pleads guilty to both a 1573
sexual motivation specification and a sexually violent predator 1574
specification that were included in the indictment, count in the 1575
indictment, or information charging that designated homicide, 1576
assault, or kidnapping offense. 1577

(ZZ) An offense is "committed in proximity to a school" if 1578
the offender commits the offense in a school safety zone or 1579
within five hundred feet of any school building or the 1580
boundaries of any school premises, regardless of whether the 1581
offender knows the offense is being committed in a school safety 1582
zone or within five hundred feet of any school building or the 1583
boundaries of any school premises. 1584

(AAA) "Human trafficking" means a scheme or plan to which 1585
all of the following apply: 1586

(1) Its object is one or more of the following: 1587

(a) To subject a victim or victims to involuntary 1588
servitude, as defined in section 2905.31 of the Revised Code or 1589
to compel a victim or victims to engage in sexual activity for 1590
hire, to engage in a performance that is obscene, sexually 1591
oriented, or nudity oriented, or to be a model or participant in 1592
the production of material that is obscene, sexually oriented, 1593
or nudity oriented; 1594

(b) To facilitate, encourage, or recruit a victim who is 1595
less than sixteen years of age or is a developmentally disabled 1596
person, or victims who are less than sixteen years of age or are 1597
developmentally disabled persons, for any purpose listed in 1598
divisions (A) (2) (a) to (c) of section 2905.32 of the Revised 1599
Code; 1600

(c) To facilitate, encourage, or recruit a victim who is 1601
sixteen or seventeen years of age, or victims who are sixteen or 1602
seventeen years of age, for any purpose listed in divisions (A) 1603
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 1604
circumstances described in division (A) (5), (6), (7), (8), (9), 1605
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 1606
apply with respect to the person engaging in the conduct and the 1607
victim or victims. 1608

(2) It involves at least two felony offenses, whether or 1609
not there has been a prior conviction for any of the felony 1610
offenses, to which all of the following apply: 1611

(a) Each of the felony offenses is a violation of section 1612
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 1613

division (A) (1) or (2) of section 2907.323, or division (B) (1), 1614
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 1615
is a violation of a law of any state other than this state that 1616
is substantially similar to any of the sections or divisions of 1617
the Revised Code identified in this division. 1618

(b) At least one of the felony offenses was committed in 1619
this state. 1620

(c) The felony offenses are related to the same scheme or 1621
plan and are not isolated instances. 1622

(BBB) "Material," "nudity," "obscene," "performance," and 1623
"sexual activity" have the same meanings as in section 2907.01 1624
of the Revised Code. 1625

(CCC) "Material that is obscene, sexually oriented, or 1626
nudity oriented" means any material that is obscene, that shows 1627
a person participating or engaging in sexual activity, 1628
masturbation, or bestiality, or that shows a person in a state 1629
of nudity. 1630

(DDD) "Performance that is obscene, sexually oriented, or 1631
nudity oriented" means any performance that is obscene, that 1632
shows a person participating or engaging in sexual activity, 1633
masturbation, or bestiality, or that shows a person in a state 1634
of nudity. 1635

Section 2. That existing sections 2925.03, 2925.11, and 1636
2929.01 of the Revised Code are hereby repealed. 1637