

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 210

Representatives Upchurch, Denson

A BILL

To amend sections 2925.01, 2925.04, 2925.11, and 1
2929.14 and to enact sections 2925.042, 2
2925.043, 2925.111, and 2953.39 of the Revised 3
Code to allow for the cultivation and possession 4
of marihuana, to modify possession and 5
cultivation penalties, and to allow for 6
expungement of certain marihuana convictions. 7

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

Section 1. That sections 2925.01, 2925.04, 2925.11, and 8
2929.14 be amended and sections 2925.042, 2925.043, 2925.111, 9
and 2953.39 of the Revised Code be enacted to read as follows: 10

Sec. 2925.01. As used in this chapter: 11

(A) "Administer," "controlled substance," "controlled 12
substance analog," "dispense," "distribute," "hypodermic," 13
"manufacturer," "official written order," "person," 14
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 15
"schedule III," "schedule IV," "schedule V," and "wholesaler" 16
have the same meanings as in section 3719.01 of the Revised 17
Code. 18

(B) "Drug dependent person" and "drug of abuse" have the 19

same meanings as in section 3719.011 of the Revised Code. 20

(C) "Drug," "dangerous drug," "licensed health 21
professional authorized to prescribe drugs," and "prescription" 22
have the same meanings as in section 4729.01 of the Revised 23
Code. 24

(D) "Bulk amount" of a controlled substance means any of 25
the following: 26

(1) For any compound, mixture, preparation, or substance 27
included in schedule I, schedule II, or schedule III, with the 28
exception of any controlled substance analog, marihuana, 29
cocaine, L.S.D., heroin, any fentanyl-related compound, and 30
hashish and except as provided in division (D) (2), (5), or (6) 31
of this section, whichever of the following is applicable: 32

(a) An amount equal to or exceeding ten grams or twenty- 33
five unit doses of a compound, mixture, preparation, or 34
substance that is or contains any amount of a schedule I opiate 35
or opium derivative; 36

(b) An amount equal to or exceeding ten grams of a 37
compound, mixture, preparation, or substance that is or contains 38
any amount of raw or gum opium; 39

(c) An amount equal to or exceeding thirty grams or ten 40
unit doses of a compound, mixture, preparation, or substance 41
that is or contains any amount of a schedule I hallucinogen 42
other than tetrahydrocannabinol or lysergic acid amide, or a 43
schedule I stimulant or depressant; 44

(d) An amount equal to or exceeding twenty grams or five 45
times the maximum daily dose in the usual dose range specified 46
in a standard pharmaceutical reference manual of a compound, 47
mixture, preparation, or substance that is or contains any 48

amount of a schedule II opiate or opium derivative;	49
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	50 51 52
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;	53 54 55 56 57 58 59 60 61 62 63
(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.	64 65 66 67 68 69
(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;	70 71 72 73 74 75 76
(3) An amount equal to or exceeding twenty grams or five	77

times the maximum daily dose in the usual dose range specified 78
in a standard pharmaceutical reference manual of a compound, 79
mixture, preparation, or substance that is or contains any 80
amount of a schedule III opiate or opium derivative; 81

(4) An amount equal to or exceeding two hundred fifty 82
milliliters or two hundred fifty grams of a compound, mixture, 83
preparation, or substance that is or contains any amount of a 84
schedule V substance; 85

(5) An amount equal to or exceeding two hundred solid 86
dosage units, sixteen grams, or sixteen milliliters of a 87
compound, mixture, preparation, or substance that is or contains 88
any amount of a schedule III anabolic steroid; 89

(6) For any compound, mixture, preparation, or substance 90
that is a combination of a fentanyl-related compound and any 91
other compound, mixture, preparation, or substance included in 92
schedule III, schedule IV, or schedule V, if the defendant is 93
charged with a violation of section 2925.11 of the Revised Code 94
and the sentencing provisions set forth in divisions ~~(C) (10) (b)~~ 95
(C) (8) (b) and ~~(C) (11)~~ (C) (9) of that section will not apply 96
regarding the defendant and the violation, the bulk amount of 97
the controlled substance for purposes of the violation is the 98
amount specified in division (D) (1), (2), (3), (4), or (5) of 99
this section for the other schedule III, IV, or V controlled 100
substance that is combined with the fentanyl-related compound. 101

(E) "Unit dose" means an amount or unit of a compound, 102
mixture, or preparation containing a controlled substance that 103
is separately identifiable and in a form that indicates that it 104
is the amount or unit by which the controlled substance is 105
separately administered to or taken by an individual. 106

(F) "Cultivate" includes planting, watering, fertilizing,	107
or tilling.	108
(G) "Drug abuse offense" means any of the following:	109
(1) A violation of division (A) of section 2913.02 that	110
constitutes theft of drugs, or a violation of section 2925.02,	111
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	112
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	113
or 2925.37 of the Revised Code;	114
(2) A violation of an existing or former law of this or	115
any other state or of the United States that is substantially	116
equivalent to any section listed in division (G) (1) of this	117
section;	118
(3) An offense under an existing or former law of this or	119
any other state, or of the United States, of which planting,	120
cultivating, harvesting, processing, making, manufacturing,	121
producing, shipping, transporting, delivering, acquiring,	122
possessing, storing, distributing, dispensing, selling, inducing	123
another to use, administering to another, using, or otherwise	124
dealing with a controlled substance is an element;	125
(4) A conspiracy to commit, attempt to commit, or	126
complicity in committing or attempting to commit any offense	127
under division (G) (1), (2), or (3) of this section.	128
(H) "Felony drug abuse offense" means any drug abuse	129
offense that would constitute a felony under the laws of this	130
state, any other state, or the United States.	131
(I) "Harmful intoxicant" does not include beer or	132
intoxicating liquor but means any of the following:	133
(1) Any compound, mixture, preparation, or substance the	134

gas, fumes, or vapor of which when inhaled can induce 135
intoxication, excitement, giddiness, irrational behavior, 136
depression, stupefaction, paralysis, unconsciousness, 137
asphyxiation, or other harmful physiological effects, and 138
includes, but is not limited to, any of the following: 139

(a) Any volatile organic solvent, plastic cement, model 140
cement, fingernail polish remover, lacquer thinner, cleaning 141
fluid, gasoline, or other preparation containing a volatile 142
organic solvent; 143

(b) Any aerosol propellant; 144

(c) Any fluorocarbon refrigerant; 145

(d) Any anesthetic gas. 146

(2) Gamma Butyrolactone; 147

(3) 1,4 Butanediol. 148

(J) "Manufacture" means to plant, cultivate, harvest, 149
process, make, prepare, or otherwise engage in any part of the 150
production of a drug, by propagation, extraction, chemical 151
synthesis, or compounding, or any combination of the same, and 152
includes packaging, repackaging, labeling, and other activities 153
incident to production. 154

(K) "Possess" or "possession" means having control over a 155
thing or substance, but may not be inferred solely from mere 156
access to the thing or substance through ownership or occupation 157
of the premises upon which the thing or substance is found. 158

(L) "Sample drug" means a drug or pharmaceutical 159
preparation that would be hazardous to health or safety if used 160
without the supervision of a licensed health professional 161
authorized to prescribe drugs, or a drug of abuse, and that, at 162

one time, had been placed in a container plainly marked as a 163
sample by a manufacturer. 164

(M) "Standard pharmaceutical reference manual" means the 165
current edition, with cumulative changes if any, of references 166
that are approved by the state board of pharmacy. 167

(N) "Juvenile" means a person under eighteen years of age. 168

(O) "Counterfeit controlled substance" means any of the 169
following: 170

(1) Any drug that bears, or whose container or label 171
bears, a trademark, trade name, or other identifying mark used 172
without authorization of the owner of rights to that trademark, 173
trade name, or identifying mark; 174

(2) Any unmarked or unlabeled substance that is 175
represented to be a controlled substance manufactured, 176
processed, packed, or distributed by a person other than the 177
person that manufactured, processed, packed, or distributed it; 178

(3) Any substance that is represented to be a controlled 179
substance but is not a controlled substance or is a different 180
controlled substance; 181

(4) Any substance other than a controlled substance that a 182
reasonable person would believe to be a controlled substance 183
because of its similarity in shape, size, and color, or its 184
markings, labeling, packaging, distribution, or the price for 185
which it is sold or offered for sale. 186

(P) An offense is "committed in the vicinity of a school" 187
if the offender commits the offense on school premises, in a 188
school building, or within one thousand feet of the boundaries 189
of any school premises, regardless of whether the offender knows 190

the offense is being committed on school premises, in a school 191
building, or within one thousand feet of the boundaries of any 192
school premises. 193

(Q) "School" means any school operated by a board of 194
education, any community school established under Chapter 3314. 195
of the Revised Code, or any nonpublic school for which the state 196
board of education prescribes minimum standards under section 197
3301.07 of the Revised Code, whether or not any instruction, 198
extracurricular activities, or training provided by the school 199
is being conducted at the time a criminal offense is committed. 200

(R) "School premises" means either of the following: 201

(1) The parcel of real property on which any school is 202
situated, whether or not any instruction, extracurricular 203
activities, or training provided by the school is being 204
conducted on the premises at the time a criminal offense is 205
committed; 206

(2) Any other parcel of real property that is owned or 207
leased by a board of education of a school, the governing 208
authority of a community school established under Chapter 3314. 209
of the Revised Code, or the governing body of a nonpublic school 210
for which the state board of education prescribes minimum 211
standards under section 3301.07 of the Revised Code and on which 212
some of the instruction, extracurricular activities, or training 213
of the school is conducted, whether or not any instruction, 214
extracurricular activities, or training provided by the school 215
is being conducted on the parcel of real property at the time a 216
criminal offense is committed. 217

(S) "School building" means any building in which any of 218
the instruction, extracurricular activities, or training 219

provided by a school is conducted, whether or not any 220
instruction, extracurricular activities, or training provided by 221
the school is being conducted in the school building at the time 222
a criminal offense is committed. 223

(T) "Disciplinary counsel" means the disciplinary counsel 224
appointed by the board of commissioners on grievances and 225
discipline of the supreme court under the Rules for the 226
Government of the Bar of Ohio. 227

(U) "Certified grievance committee" means a duly 228
constituted and organized committee of the Ohio state bar 229
association or of one or more local bar associations of the 230
state of Ohio that complies with the criteria set forth in Rule 231
V, section 6 of the Rules for the Government of the Bar of Ohio. 232

(V) "Professional license" means any license, permit, 233
certificate, registration, qualification, admission, temporary 234
license, temporary permit, temporary certificate, or temporary 235
registration that is described in divisions (W) (1) to (37) of 236
this section and that qualifies a person as a professionally 237
licensed person. 238

(W) "Professionally licensed person" means any of the 239
following: 240

(1) A person who has received a certificate or temporary 241
certificate as a certified public accountant or who has 242
registered as a public accountant under Chapter 4701. of the 243
Revised Code and who holds an Ohio permit issued under that 244
chapter; 245

(2) A person who holds a certificate of qualification to 246
practice architecture issued or renewed and registered under 247
Chapter 4703. of the Revised Code; 248

(3) A person who is registered as a landscape architect	249
under Chapter 4703. of the Revised Code or who holds a permit as	250
a landscape architect issued under that chapter;	251
(4) A person licensed under Chapter 4707. of the Revised	252
Code;	253
(5) A person who has been issued a certificate of	254
registration as a registered barber under Chapter 4709. of the	255
Revised Code;	256
(6) A person licensed and regulated to engage in the	257
business of a debt pooling company by a legislative authority,	258
under authority of Chapter 4710. of the Revised Code;	259
(7) A person who has been issued a cosmetologist's	260
license, hair designer's license, manicurist's license,	261
esthetician's license, natural hair stylist's license, advanced	262
cosmetologist's license, advanced hair designer's license,	263
advanced manicurist's license, advanced esthetician's license,	264
advanced natural hair stylist's license, cosmetology	265
instructor's license, hair design instructor's license,	266
manicurist instructor's license, esthetics instructor's license,	267
natural hair style instructor's license, independent	268
contractor's license, or tanning facility permit under Chapter	269
4713. of the Revised Code;	270
(8) A person who has been issued a license to practice	271
dentistry, a general anesthesia permit, a conscious sedation	272
permit, a limited resident's license, a limited teaching	273
license, a dental hygienist's license, or a dental hygienist's	274
teacher's certificate under Chapter 4715. of the Revised Code;	275
(9) A person who has been issued an embalmer's license, a	276
funeral director's license, a funeral home license, or a	277

crematory license, or who has been registered for an embalmer's	278
or funeral director's apprenticeship under Chapter 4717. of the	279
Revised Code;	280
(10) A person who has been licensed as a registered nurse	281
or practical nurse, or who has been issued a certificate for the	282
practice of nurse-midwifery under Chapter 4723. of the Revised	283
Code;	284
(11) A person who has been licensed to practice optometry	285
or to engage in optical dispensing under Chapter 4725. of the	286
Revised Code;	287
(12) A person licensed to act as a pawnbroker under	288
Chapter 4727. of the Revised Code;	289
(13) A person licensed to act as a precious metals dealer	290
under Chapter 4728. of the Revised Code;	291
(14) A person licensed under Chapter 4729. of the Revised	292
Code as a pharmacist or pharmacy intern or registered under that	293
chapter as a registered pharmacy technician, certified pharmacy	294
technician, or pharmacy technician trainee;	295
(15) A person licensed under Chapter 4729. of the Revised	296
Code as a manufacturer of dangerous drugs, outsourcing facility,	297
third-party logistics provider, repackager of dangerous drugs,	298
wholesale distributor of dangerous drugs, or terminal	299
distributor of dangerous drugs;	300
(16) A person who is authorized to practice as a physician	301
assistant under Chapter 4730. of the Revised Code;	302
(17) A person who has been issued a license to practice	303
medicine and surgery, osteopathic medicine and surgery, or	304
podiatric medicine and surgery under Chapter 4731. of the	305

Revised Code or has been issued a certificate to practice a	306
limited branch of medicine under that chapter;	307
(18) A person licensed as a psychologist or school	308
psychologist under Chapter 4732. of the Revised Code;	309
(19) A person registered to practice the profession of	310
engineering or surveying under Chapter 4733. of the Revised	311
Code;	312
(20) A person who has been issued a license to practice	313
chiropractic under Chapter 4734. of the Revised Code;	314
(21) A person licensed to act as a real estate broker or	315
real estate salesperson under Chapter 4735. of the Revised Code;	316
(22) A person registered as a registered environmental	317
health specialist under Chapter 4736. of the Revised Code;	318
(23) A person licensed to operate or maintain a junkyard	319
under Chapter 4737. of the Revised Code;	320
(24) A person who has been issued a motor vehicle salvage	321
dealer's license under Chapter 4738. of the Revised Code;	322
(25) A person who has been licensed to act as a steam	323
engineer under Chapter 4739. of the Revised Code;	324
(26) A person who has been issued a license or temporary	325
permit to practice veterinary medicine or any of its branches,	326
or who is registered as a graduate animal technician under	327
Chapter 4741. of the Revised Code;	328
(27) A person who has been issued a hearing aid dealer's	329
or fitter's license or trainee permit under Chapter 4747. of the	330
Revised Code;	331
(28) A person who has been issued a class A, class B, or	332

class C license or who has been registered as an investigator or	333
security guard employee under Chapter 4749. of the Revised Code;	334
(29) A person licensed to practice as a nursing home	335
administrator under Chapter 4751. of the Revised Code;	336
(30) A person licensed to practice as a speech-language	337
pathologist or audiologist under Chapter 4753. of the Revised	338
Code;	339
(31) A person issued a license as an occupational	340
therapist or physical therapist under Chapter 4755. of the	341
Revised Code;	342
(32) A person who is licensed as a licensed professional	343
clinical counselor, licensed professional counselor, social	344
worker, independent social worker, independent marriage and	345
family therapist, or marriage and family therapist, or	346
registered as a social work assistant under Chapter 4757. of the	347
Revised Code;	348
(33) A person issued a license to practice dietetics under	349
Chapter 4759. of the Revised Code;	350
(34) A person who has been issued a license or limited	351
permit to practice respiratory therapy under Chapter 4761. of	352
the Revised Code;	353
(35) A person who has been issued a real estate appraiser	354
certificate under Chapter 4763. of the Revised Code;	355
(36) A person who has been issued a home inspector license	356
under Chapter 4764. of the Revised Code;	357
(37) A person who has been admitted to the bar by order of	358
the supreme court in compliance with its prescribed and	359
published rules.	360

(X) "Cocaine" means any of the following:	361
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	362 363
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	364 365 366 367
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	368 369 370 371 372 373
(Y) "L.S.D." means lysergic acid diethylamide.	374
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	375 376
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	377 378 379
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	380 381
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	382 383 384 385 386
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include	387 388

hashish. 389

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 390
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(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. 397
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(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 403
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(EE) "Minor drug possession offense" means either of the following: 405
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(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996; 407
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(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree. 409
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(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 412
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(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 414
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(HH) "Public premises" means any hotel, restaurant, 416

tavern, store, arena, hall, or other place of public	417
accommodation, business, amusement, or resort.	418
(II) "Methamphetamine" means methamphetamine, any salt,	419
isomer, or salt of an isomer of methamphetamine, or any	420
compound, mixture, preparation, or substance containing	421
methamphetamine or any salt, isomer, or salt of an isomer of	422
methamphetamine.	423
(JJ) "Deception" has the same meaning as in section	424
2913.01 of the Revised Code.	425
(KK) "Fentanyl-related compound" means any of the	426
following:	427
(1) Fentanyl;	428
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	429
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	430
phenylethyl)-4-(N-propanilido) piperidine);	431
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	432
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	433
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	434
piperidinyl] -N-phenylpropanamide);	435
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	436
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	437
phenylpropanamide);	438
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	439
piperidyl]-N- phenylpropanamide);	440
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	441
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	442
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	443

phenethyl)-4- piperidinyl]propanamide;	444
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]- propanamide;	445 446
(10) Alfentanil;	447
(11) Carfentanil;	448
(12) Remifentanil;	449
(13) Sufentanil;	450
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- phenethyl)-4- piperidinyl]-N-phenylacetamide); and	451 452
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- fluorofentanyl:	453 454 455 456 457 458 459
(a) A chemical scaffold consisting of both of the following:	460 461
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	462 463
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	464 465 466
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	467 468 469
(c) An alkyl or aryl substitution off the ring nitrogen of	470

the chemical scaffold; and 471

(d) The compound has not been approved for medical use by 472
the United States food and drug administration. 473

(LL) "First degree felony mandatory prison term" means one 474
of the definite prison terms prescribed in division (A) (1) (b) of 475
section 2929.14 of the Revised Code for a felony of the first 476
degree, except that if the violation for which sentence is being 477
imposed is committed on or after March 22, 2019, it means one of 478
the minimum prison terms prescribed in division (A) (1) (a) of 479
that section for a felony of the first degree. 480

(MM) "Second degree felony mandatory prison term" means 481
one of the definite prison terms prescribed in division (A) (2) 482
(b) of section 2929.14 of the Revised Code for a felony of the 483
second degree, except that if the violation for which sentence 484
is being imposed is committed on or after March 22, 2019, it 485
means one of the minimum prison terms prescribed in division (A) 486
(2) (a) of that section for a felony of the second degree. 487

(NN) "Maximum first degree felony mandatory prison term" 488
means the maximum definite prison term prescribed in division 489
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 490
the first degree, except that if the violation for which 491
sentence is being imposed is committed on or after March 22, 492
2019, it means the longest minimum prison term prescribed in 493
division (A) (1) (a) of that section for a felony of the first 494
degree. 495

(OO) "Maximum second degree felony mandatory prison term" 496
means the maximum definite prison term prescribed in division 497
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 498
the second degree, except that if the violation for which 499

sentence is being imposed is committed on or after March 22, 500
2019, it means the longest minimum prison term prescribed in 501
division (A) (2) (a) of that section for a felony of the second 502
degree. 503

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 504
as in section 928.01 of the Revised Code. 505

(QQ) "Marihuana plant" means any plant of the genus 506
cannabis that produces its own food through photosynthesis and 507
has observable root formation or is in a growth material. 508

Sec. 2925.04. (A) No person shall knowingly ~~cultivate~~ 509
~~marihuana or knowingly manufacture or otherwise engage~~ in any 510
part of the production of a controlled substance. 511

(B) This section does not apply to the cultivation of 512
marihuana or to any person listed in division (B) (1), (2), or 513
(3) of section 2925.03 of the Revised Code to the extent and 514
under the circumstances described in those divisions. 515

(C) (1) Whoever commits a violation of division (A) of this 516
section ~~that involves any drug other than marihuana is guilty of~~ 517
~~illegal manufacture of drugs, and whoever commits a violation of~~ 518
~~division (A) of this section that involves marihuana is guilty~~ 519
~~of illegal cultivation of marihuana.~~ 520

(2) Except as otherwise provided in this division, if the 521
drug involved in the violation of division (A) of this section 522
is any compound, mixture, preparation, or substance included in 523
schedule I or II, with the exception of methamphetamine or 524
marihuana, illegal manufacture of drugs is a felony of the 525
second degree, and, subject to division (E) of this section, the 526
court shall impose as a mandatory prison term a second degree 527
felony mandatory prison term. 528

If the drug involved in the violation is any compound, 529
mixture, preparation, or substance included in schedule I or II, 530
with the exception of methamphetamine or marihuana, and if the 531
offense was committed in the vicinity of a juvenile or in the 532
vicinity of a school, illegal manufacture of drugs is a felony 533
of the first degree, and, subject to division (E) of this 534
section, the court shall impose as a mandatory prison term a 535
first degree felony mandatory prison term. 536

(3) If the drug involved in the violation of division (A) 537
of this section is methamphetamine, the penalty for the 538
violation shall be determined as follows: 539

(a) Except as otherwise provided in division (C) (3) (b) of 540
this section, if the drug involved in the violation is 541
methamphetamine, illegal manufacture of drugs is a felony of the 542
second degree, and, subject to division (E) of this section, the 543
court shall impose a mandatory prison term on the offender 544
determined in accordance with this division. Except as otherwise 545
provided in this division, the court shall impose as a mandatory 546
prison term a second degree felony mandatory prison term that is 547
not less than three years. If the offender previously has been 548
convicted of or pleaded guilty to a violation of division (A) of 549
this section, a violation of division (B) (6) of section 2919.22 550
of the Revised Code, or a violation of division (A) of section 551
2925.041 of the Revised Code, the court shall impose as a 552
mandatory prison term a second degree felony mandatory prison 553
term that is not less than five years. 554

(b) If the drug involved in the violation is 555
methamphetamine and if the offense was committed in the vicinity 556
of a juvenile, in the vicinity of a school, or on public 557
premises, illegal manufacture of drugs is a felony of the first 558

degree, and, subject to division (E) of this section, the court 559
shall impose a mandatory prison term on the offender determined 560
in accordance with this division. Except as otherwise provided 561
in this division, the court shall impose as a mandatory prison 562
term a first degree felony mandatory prison term that is not 563
less than four years. If the offender previously has been 564
convicted of or pleaded guilty to a violation of division (A) of 565
this section, a violation of division (B)(6) of section 2919.22 566
of the Revised Code, or a violation of division (A) of section 567
2925.041 of the Revised Code, the court shall impose as a 568
mandatory prison term a first degree felony mandatory prison 569
term that is not less than five years. 570

(4) If the drug involved in the violation of division (A) 571
of this section is any compound, mixture, preparation, or 572
substance included in schedule III, IV, or V, illegal 573
manufacture of drugs is a felony of the third degree or, if the 574
offense was committed in the vicinity of a school or in the 575
vicinity of a juvenile, a felony of the second degree, and there 576
is a presumption for a prison term for the offense. 577

~~(5) If the drug involved in the violation is marihuana,~~ 578
~~the penalty for the offense shall be determined as follows:~~ 579

~~(a) Except as otherwise provided in division (C)(5)(b),~~ 580
~~(c), (d), (e), or (f) of this section, illegal cultivation of~~ 581
~~marihuana is a minor misdemeanor or, if the offense was~~ 582
~~committed in the vicinity of a school or in the vicinity of a~~ 583
~~juvenile, a misdemeanor of the fourth degree.~~ 584

~~(b) If the amount of marihuana involved equals or exceeds~~ 585
~~one hundred grams but is less than two hundred grams, illegal~~ 586
~~cultivation of marihuana is a misdemeanor of the fourth degree~~ 587
~~or, if the offense was committed in the vicinity of a school or~~ 588

~~in the vicinity of a juvenile, a misdemeanor of the third- 589
degree. 590~~

~~(c) If the amount of marihuana involved equals or exceeds 591
two hundred grams but is less than one thousand grams, illegal 592
cultivation of marihuana is a felony of the fifth degree or, if 593
the offense was committed in the vicinity of a school or in the 594
vicinity of a juvenile, a felony of the fourth degree, and 595
division (B) of section 2929.13 of the Revised Code applies in 596
determining whether to impose a prison term on the offender. 597~~

~~(d) If the amount of marihuana involved equals or exceeds 598
one thousand grams but is less than five thousand grams, illegal 599
cultivation of marihuana is a felony of the third degree or, if 600
the offense was committed in the vicinity of a school or in the 601
vicinity of a juvenile, a felony of the second degree, and 602
division (C) of section 2929.13 of the Revised Code applies in 603
determining whether to impose a prison term on the offender. 604~~

~~(e) If the amount of marihuana involved equals or exceeds 605
five thousand grams but is less than twenty thousand grams, 606
illegal cultivation of marihuana is a felony of the third degree 607
or, if the offense was committed in the vicinity of a school or 608
in the vicinity of a juvenile, a felony of the second degree, 609
and there is a presumption for a prison term for the offense. 610~~

~~(f) Except as otherwise provided in this division, if the 611
amount of marihuana involved equals or exceeds twenty thousand 612
grams, illegal cultivation of marihuana is a felony of the 613
second degree, and the court shall impose as a mandatory prison 614
term a maximum second degree felony mandatory prison term. If 615
the amount of the drug involved equals or exceeds twenty 616
thousand grams and if the offense was committed in the vicinity 617
of a school or in the vicinity of a juvenile, illegal 618~~

~~cultivation of marihuana is a felony of the first degree, and 619
the court shall impose as a mandatory prison term a maximum 620
first degree felony mandatory prison term. 621~~

(D) In addition to any prison term authorized or required 622
by division (C) or (E) of this section and sections 2929.13 and 623
2929.14 of the Revised Code and in addition to any other 624
sanction imposed for the offense under this section or sections 625
2929.11 to 2929.18 of the Revised Code, the court that sentences 626
an offender who is convicted of or pleads guilty to a violation 627
of division (A) of this section may suspend the offender's 628
driver's or commercial driver's license or permit in accordance 629
with division (G) of section 2925.03 of the Revised Code. 630
However, if the offender pleaded guilty to or was convicted of a 631
violation of section 4511.19 of the Revised Code or a 632
substantially similar municipal ordinance or the law of another 633
state or the United States arising out of the same set of 634
circumstances as the violation, the court shall suspend the 635
offender's driver's or commercial driver's license or permit in 636
accordance with division (G) of section 2925.03 of the Revised 637
Code. If applicable, the court also shall do the following: 638

(1) If the violation of division (A) of this section is a 639
felony of the first, second, or third degree, the court shall 640
impose upon the offender the mandatory fine specified for the 641
offense under division (B)(1) of section 2929.18 of the Revised 642
Code unless, as specified in that division, the court determines 643
that the offender is indigent. The clerk of the court shall pay 644
a mandatory fine or other fine imposed for a violation of this 645
section pursuant to division (A) of section 2929.18 of the 646
Revised Code in accordance with and subject to the requirements 647
of division (F) of section 2925.03 of the Revised Code. The 648
agency that receives the fine shall use the fine as specified in 649

division (F) of section 2925.03 of the Revised Code. If a person 650
is charged with a violation of this section that is a felony of 651
the first, second, or third degree, posts bail, and forfeits the 652
bail, the clerk shall pay the forfeited bail as if the forfeited 653
bail were a fine imposed for a violation of this section. 654

(2) If the offender is a professionally licensed person, 655
the court immediately shall comply with section 2925.38 of the 656
Revised Code. 657

(E) Notwithstanding the prison term otherwise authorized 658
or required for the offense under division (C) of this section 659
and sections 2929.13 and 2929.14 of the Revised Code, if the 660
violation of division (A) of this section involves the sale, 661
offer to sell, or possession of a schedule I or II controlled 662
substance, with the exception of marihuana, and if the court 663
imposing sentence upon the offender finds that the offender as a 664
result of the violation is a major drug offender and is guilty 665
of a specification of the type described in division (A) of 666
section 2941.1410 of the Revised Code, the court, in lieu of the 667
prison term otherwise authorized or required, shall impose upon 668
the offender the mandatory prison term specified in division (B) 669
(3) of section 2929.14 of the Revised Code. 670

~~(F) It is an affirmative defense, as provided in section 671
2901.05 of the Revised Code, to a charge under this section for 672
a fifth degree felony violation of illegal cultivation of 673
marihuana that the marihuana that gave rise to the charge is in 674
an amount, is in a form, is prepared, compounded, or mixed with 675
substances that are not controlled substances in a manner, or is 676
possessed or cultivated under any other circumstances that 677
indicate that the marihuana was solely for personal use. 678~~

~~Notwithstanding any contrary provision of division (F) of 679~~

~~this section, if, in accordance with section 2901.05 of the Revised Code, a person who is charged with a violation of illegal cultivation of marihuana that is a felony of the fifth-degree 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 person may be prosecuted for and may be convicted of or plead guilty to a misdemeanor violation of illegal cultivation of marihuana.~~

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

~~(H)(1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division (G) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.~~

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's

license or permit was suspended under this section shall not 710
file such a motion. 711

Upon the filing of a motion under division ~~(H)~~(F) (2) of 712
this section, the sentencing court, in its discretion, may 713
terminate the suspension. 714

Sec. 2925.042. (A) No person shall knowingly cultivate 715
more than twelve marihuana plants. 716

(B) A person who violates this section is guilty of 717
illegal cultivation of marihuana. Except as provided in division 718
(C), (D), (E), or (F) of this section, illegal cultivation of 719
marihuana is a misdemeanor of the second degree. 720

(C) If the offender has previously pleaded guilty or been 721
convicted of a violation of this section, except as provided in 722
divisions (D), (E), or (F) of this section, illegal cultivation 723
of marihuana is a felony of the fifth degree. 724

(D) If the offense involves more than thirty marihuana 725
plants, except as provided in division (E) or (F) of this 726
section, illegal cultivation of marihuana is a felony of the 727
fourth degree. 728

(E) If the offense involves more than fifty marihuana 729
plants, except as provided in division (F) of this section, 730
illegal cultivation of marihuana is a felony of the third degree 731
and notwithstanding division (A) (3) of section 2929.28 of the 732
Revised Code, the offender may be fined up to ten thousand 733
dollars. 734

(F) If the offense involves more than one hundred 735
marihuana plants, illegal cultivation of marihuana is a felony 736
of the first degree and notwithstanding division (A) (3) of 737
section 2929.28 of the Revised Code, the offender may be fined 738

up to two hundred fifty thousand dollars. 739

Sec. 2925.043. (A) No person shall knowingly cultivate 740
marihuana under any of the following circumstances: 741

(1) On property not owned by the cultivator and without 742
the written consent of the owner of the property; 743

(2) In a place that is open to public view; 744

(3) In a place that is not secured against access by 745
persons under twenty-one years of age or persons who do not have 746
the cultivator's permission to access the place. 747

(B) Violation of this section is a minor misdemeanor, and 748
notwithstanding division (A) (2) of section 2929.28 of the 749
Revised Code, the court may fine the offender up to one hundred 750
dollars for the first offense, and up to two hundred dollars for 751
any subsequent offense. 752

(C) Arrest or conviction for a minor misdemeanor violation 753
of this section does not constitute a criminal record and need 754
not be reported by the person so arrested or convicted in 755
response to any inquiries about the person's criminal record, 756
including any inquiries contained in an application for 757
employment, a license, or any other right or privilege or made 758
in connection with the person's appearance as a witness. 759

Sec. 2925.11. (A) No person shall knowingly obtain, 760
possess, or use a controlled substance or a controlled substance 761
analog. 762

(B) (1) This section does not apply to any of the 763
following: 764

(a) Manufacturers, licensed health professionals 765
authorized to prescribe drugs, pharmacists, owners of 766

pharmacies, and other persons whose conduct was in accordance 767
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 768
4741. of the Revised Code; 769

(b) If the offense involves an anabolic steroid, any 770
person who is conducting or participating in a research project 771
involving the use of an anabolic steroid if the project has been 772
approved by the United States food and drug administration; 773

(c) Any person who sells, offers for sale, prescribes, 774
dispenses, or administers for livestock or other nonhuman 775
species an anabolic steroid that is expressly intended for 776
administration through implants to livestock or other nonhuman 777
species and approved for that purpose under the "Federal Food, 778
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 779
as amended, and is sold, offered for sale, prescribed, 780
dispensed, or administered for that purpose in accordance with 781
that act; 782

(d) Any person who obtained the controlled substance 783
pursuant to a prescription issued by a licensed health 784
professional authorized to prescribe drugs if the prescription 785
was issued for a legitimate medical purpose and not altered, 786
forged, or obtained through deception or commission of a theft 787
offense; 788

(e) Obtaining, possession, or use of marihuana or hashish. 789

As used in division (B) (1) (d) of this section, "deception" 790
and "theft offense" have the same meanings as in section 2913.01 791
of the Revised Code. 792

(2) (a) As used in division (B) (2) of this section: 793

(i) "Community addiction services provider" has the same 794
meaning as in section 5119.01 of the Revised Code. 795

(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code.	796 797 798
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	799 800
(iv) "Minor drug possession offense" means a violation of this section <u>or section 2925.111 of the Revised Code</u> that is a misdemeanor or a felony of the fifth degree.	801 802 803
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	804 805
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	806 807
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	808 809
(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	810 811 812 813 814 815 816 817
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.	818 819 820 821
(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted,	822 823

convicted, or penalized pursuant to this chapter for a minor 824
drug possession offense if all of the following apply: 825

(i) The evidence of the obtaining, possession, or use of 826
the controlled substance or controlled substance analog that 827
would be the basis of the offense was obtained as a result of 828
the qualified individual seeking the medical assistance or 829
experiencing an overdose and needing medical assistance. 830

(ii) Subject to division (B)(2)(g) of this section, within 831
thirty days after seeking or obtaining the medical assistance, 832
the qualified individual seeks and obtains a screening and 833
receives a referral for treatment from a community addiction 834
services provider or a properly credentialed addiction treatment 835
professional. 836

(iii) Subject to division (B)(2)(g) of this section, the 837
qualified individual who obtains a screening and receives a 838
referral for treatment under division (B)(2)(b)(ii) of this 839
section, upon the request of any prosecuting attorney, submits 840
documentation to the prosecuting attorney that verifies that the 841
qualified individual satisfied the requirements of that 842
division. The documentation shall be limited to the date and 843
time of the screening obtained and referral received. 844

(c) If a person is found to be in violation of any 845
community control sanction and if the violation is a result of 846
either of the following, the court shall first consider ordering 847
the person's participation or continued participation in a drug 848
treatment program or mitigating the penalty specified in section 849
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 850
applicable, after which the court has the discretion either to 851
order the person's participation or continued participation in a 852
drug treatment program or to impose the penalty with the 853

mitigating factor specified in any of those applicable sections:	854
(i) Seeking or obtaining medical assistance in good faith	855
for another person who is experiencing a drug overdose;	856
(ii) Experiencing a drug overdose and seeking medical	857
assistance for that overdose or being the subject of another	858
person seeking or obtaining medical assistance for that overdose	859
as described in division (B) (2) (b) of this section.	860
(d) If a person is found to be in violation of any post-	861
release control sanction and if the violation is a result of	862
either of the following, the court or the parole board shall	863
first consider ordering the person's participation or continued	864
participation in a drug treatment program or mitigating the	865
penalty specified in section 2929.141 or 2967.28 of the Revised	866
Code, whichever is applicable, after which the court or the	867
parole board has the discretion either to order the person's	868
participation or continued participation in a drug treatment	869
program or to impose the penalty with the mitigating factor	870
specified in either of those applicable sections:	871
(i) Seeking or obtaining medical assistance in good faith	872
for another person who is experiencing a drug overdose;	873
(ii) Experiencing a drug overdose and seeking medical	874
assistance for that emergency or being the subject of another	875
person seeking or obtaining medical assistance for that overdose	876
as described in division (B) (2) (b) of this section.	877
(e) Nothing in division (B) (2) (b) of this section shall be	878
construed to do any of the following:	879
(i) Limit the admissibility of any evidence in connection	880
with the investigation or prosecution of a crime with regards to	881
a defendant who does not qualify for the protections of division	882

(B) (2) (b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B) (2) (b) of this section for a minor drug possession offense;

(ii) Limit any seizure of evidence or contraband otherwise permitted by law;

(iii) Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;

(iv) Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016, to any public agency or to an employee of any public agency.

(f) Division (B) (2) (b) of this section does not apply to any person who twice previously has been granted an immunity under division (B) (2) (b) of this section. No person shall be granted an immunity under division (B) (2) (b) of this section more than two times.

(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.

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

(1) If the drug involved in the violation is a compound,

mixture, preparation, or substance included in schedule I or II, 912
with the exception of marihuana, cocaine, L.S.D., heroin, any 913
fentanyl-related compound, hashish, and any controlled substance 914
analog, whoever violates division (A) of this section is guilty 915
of aggravated possession of drugs. The penalty for the offense 916
shall be determined as follows: 917

(a) Except as otherwise provided in division (C) (1) (b), 918
(c), (d), or (e) of this section, aggravated possession of drugs 919
is a felony of the fifth degree, and division (B) of section 920
2929.13 of the Revised Code applies in determining whether to 921
impose a prison term on the offender. 922

(b) If the amount of the drug involved equals or exceeds 923
the bulk amount but is less than five times the bulk amount, 924
aggravated possession of drugs is a felony of the third degree, 925
and there is a presumption for a prison term for the offense. 926

(c) If the amount of the drug involved equals or exceeds 927
five times the bulk amount but is less than fifty times the bulk 928
amount, aggravated possession of drugs is a felony of the second 929
degree, and the court shall impose as a mandatory prison term a 930
second degree felony mandatory prison term. 931

(d) If the amount of the drug involved equals or exceeds 932
fifty times the bulk amount but is less than one hundred times 933
the bulk amount, aggravated possession of drugs is a felony of 934
the first degree, and the court shall impose as a mandatory 935
prison term a first degree felony mandatory prison term. 936

(e) If the amount of the drug involved equals or exceeds 937
one hundred times the bulk amount, aggravated possession of 938
drugs is a felony of the first degree, the offender is a major 939
drug offender, and the court shall impose as a mandatory prison 940

term a maximum first degree felony mandatory prison term. 941

(2) If the drug involved in the violation is a compound, 942
mixture, preparation, or substance included in schedule III, IV, 943
or V, whoever violates division (A) of this section is guilty of 944
possession of drugs. The penalty for the offense shall be 945
determined as follows: 946

(a) Except as otherwise provided in division (C) (2) (b), 947
(c), or (d) of this section, possession of drugs is a 948
misdemeanor of the first degree or, if the offender previously 949
has been convicted of a drug abuse offense, a felony of the 950
fifth degree. 951

(b) If the amount of the drug involved equals or exceeds 952
the bulk amount but is less than five times the bulk amount, 953
possession of drugs is a felony of the fourth degree, and 954
division (C) of section 2929.13 of the Revised Code applies in 955
determining whether to impose a prison term on the offender. 956

(c) If the amount of the drug involved equals or exceeds 957
five times the bulk amount but is less than fifty times the bulk 958
amount, possession of drugs is a felony of the third degree, and 959
there is a presumption for a prison term for the offense. 960

(d) If the amount of the drug involved equals or exceeds 961
fifty times the bulk amount, possession of drugs is a felony of 962
the second degree, and the court shall impose upon the offender 963
as a mandatory prison term a second degree felony mandatory 964
prison term. 965

~~(3) If the drug involved in the violation is marihuana or 966
a compound, mixture, preparation, or substance containing 967
marihuana other than hashish, whoever violates division (A) of 968
this section is guilty of possession of marihuana. The penalty 969~~

~~for the offense shall be determined as follows:~~ 970

~~(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.~~ 971
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~~(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.~~ 974
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~~(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 977
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~~(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana 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.~~ 982
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~~(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 987
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~~(f) If the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.~~ 992
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~~(g) If the amount of the drug involved equals or exceeds~~ 998

~~forty thousand grams, possession of marihuana is a felony of the
second degree, and the court shall impose as a mandatory prison
term a maximum second degree felony mandatory prison term.~~

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

(a) Except as otherwise provided in division (C) ~~(4)~~ (3) (b),
(c), (d), (e), or (f) of this section, possession of cocaine is
a felony of the fifth degree, and division (B) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds
five grams but is less than ten grams of cocaine, possession of
cocaine 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.

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

(d) If the amount of the drug involved equals or exceeds

twenty grams but is less than twenty-seven grams of cocaine, 1028
possession of cocaine is a felony of the second degree, and the 1029
court shall impose as a mandatory prison term a second degree 1030
felony mandatory prison term. 1031

(e) If the amount of the drug involved equals or exceeds 1032
twenty-seven grams but is less than one hundred grams of 1033
cocaine, possession of cocaine is a felony of the first degree, 1034
and the court shall impose as a mandatory prison term a first 1035
degree felony mandatory prison term. 1036

(f) If the amount of the drug involved equals or exceeds 1037
one hundred grams of cocaine, possession of cocaine is a felony 1038
of the first degree, the offender is a major drug offender, and 1039
the court shall impose as a mandatory prison term a maximum 1040
first degree felony mandatory prison term. 1041

~~(5)~~(4) If the drug involved in the violation is L.S.D., 1042
whoever violates division (A) of this section is guilty of 1043
possession of L.S.D. The penalty for the offense shall be 1044
determined as follows: 1045

(a) Except as otherwise provided in division (C) ~~(5)~~(4) (b), 1046
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1047
felony of the fifth degree, and division (B) of section 2929.13 1048
of the Revised Code applies in determining whether to impose a 1049
prison term on the offender. 1050

(b) If the amount of L.S.D. involved equals or exceeds ten 1051
unit doses but is less than fifty unit doses of L.S.D. in a 1052
solid form or equals or exceeds one gram but is less than five 1053
grams of L.S.D. in a liquid concentrate, liquid extract, or 1054
liquid distillate form, possession of L.S.D. is a felony of the 1055
fourth degree, and division (C) of section 2929.13 of the 1056

Revised Code applies in determining whether to impose a prison term on the offender. 1057
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(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense. 1059
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(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 1066
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(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 1074
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(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug 1082
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offender, and the court shall impose as a mandatory prison term 1087
a maximum first degree felony mandatory prison term. 1088

~~(6)~~(5) If the drug involved in the violation is heroin or 1089
a compound, mixture, preparation, or substance containing 1090
heroin, whoever violates division (A) of this section is guilty 1091
of possession of heroin. The penalty for the offense shall be 1092
determined as follows: 1093

(a) Except as otherwise provided in division (C) ~~(6)~~(5) (b), 1094
(c), (d), (e), or (f) of this section, possession of heroin is a 1095
felony of the fifth degree, and division (B) of section 2929.13 1096
of the Revised Code applies in determining whether to impose a 1097
prison term on the offender. 1098

(b) If the amount of the drug involved equals or exceeds 1099
ten unit doses but is less than fifty unit doses or equals or 1100
exceeds one gram but is less than five grams, possession of 1101
heroin is a felony of the fourth degree, and division (C) of 1102
section 2929.13 of the Revised Code applies in determining 1103
whether to impose a prison term on the offender. 1104

(c) If the amount of the drug involved equals or exceeds 1105
fifty unit doses but is less than one hundred unit doses or 1106
equals or exceeds five grams but is less than ten grams, 1107
possession of heroin is a felony of the third degree, and there 1108
is a presumption for a prison term for the offense. 1109

(d) If the amount of the drug involved equals or exceeds 1110
one hundred unit doses but is less than five hundred unit doses 1111
or equals or exceeds ten grams but is less than fifty grams, 1112
possession of heroin is a felony of the second degree, and the 1113
court shall impose as a mandatory prison term a second degree 1114
felony mandatory prison term. 1115

(e) If the amount of the drug involved equals or exceeds 1116
five hundred unit doses but is less than one thousand unit doses 1117
or equals or exceeds fifty grams but is less than one hundred 1118
grams, possession of heroin is a felony of the first degree, and 1119
the court shall impose as a mandatory prison term a first degree 1120
felony mandatory prison term. 1121

(f) If the amount of the drug involved equals or exceeds 1122
one thousand unit doses or equals or exceeds one hundred grams, 1123
possession of heroin is a felony of the first degree, the 1124
offender is a major drug offender, and the court shall impose as 1125
a mandatory prison term a maximum first degree felony mandatory 1126
prison term. 1127

~~(7) If the drug involved in the violation is hashish or a 1128
compound, mixture, preparation, or substance containing hashish, 1129
whoever violates division (A) of this section is guilty of 1130
possession of hashish. The penalty for the offense shall be 1131
determined as follows: 1132~~

~~(a) Except as otherwise provided in division (C) (7) (b), 1133
(c), (d), (e), (f), or (g) of this section, possession of 1134
hashish is a minor misdemeanor. 1135~~

~~(b) If the amount of the drug involved equals or exceeds 1136
five grams but is less than ten grams of hashish in a solid form 1137
or equals or exceeds one gram but is less than two grams of 1138
hashish in a liquid concentrate, liquid extract, or liquid 1139
distillate form, possession of hashish is a misdemeanor of the 1140
fourth degree. 1141~~

~~(c) If the amount of the drug involved equals or exceeds 1142
ten grams but is less than fifty grams of hashish in a solid 1143
form or equals or exceeds two grams but is less than ten grams 1144~~

~~of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1145
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~~(d) 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, possession of 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.~~ 1150
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~~(e) 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 extract, or liquid distillate form, possession of hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 1158
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~~(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.~~ 1165
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~~(g) If the amount of the drug involved equals or exceeds~~ 1174

~~two thousand grams of hashish in a solid form or equals or~~ 1175
~~exceeds four hundred grams of hashish in a liquid concentrate,~~ 1176
~~liquid extract, or liquid distillate form, possession of hashish~~ 1177
~~is a felony of the second degree, and the court shall impose as~~ 1178
~~a mandatory prison term a maximum second degree felony mandatory~~ 1179
~~prison term.~~ 1180

~~(8)-(6)~~ If the drug involved is a controlled substance 1181
analog or compound, mixture, preparation, or substance that 1182
contains a controlled substance analog, whoever violates 1183
division (A) of this section is guilty of possession of a 1184
controlled substance analog. The penalty for the offense shall 1185
be determined as follows: 1186

(a) Except as otherwise provided in division (C) ~~(8)-(6)~~ (b), 1187
(c), (d), (e), or (f) of this section, possession of a 1188
controlled substance analog is a felony of the fifth degree, and 1189
division (B) of section 2929.13 of the Revised Code applies in 1190
determining whether to impose a prison term on the offender. 1191

(b) If the amount of the drug involved equals or exceeds 1192
ten grams but is less than twenty grams, possession of a 1193
controlled substance analog is a felony of the fourth degree, 1194
and there is a presumption for a prison term for the offense. 1195

(c) If the amount of the drug involved equals or exceeds 1196
twenty grams but is less than thirty grams, possession of a 1197
controlled substance analog is a felony of the third degree, and 1198
there is a presumption for a prison term for the offense. 1199

(d) If the amount of the drug involved equals or exceeds 1200
thirty grams but is less than forty grams, possession of a 1201
controlled substance analog is a felony of the second degree, 1202
and the court shall impose as a mandatory prison term a second 1203

degree felony mandatory prison term. 1204

(e) If the amount of the drug involved equals or exceeds 1205
forty grams but is less than fifty grams, possession of a 1206
controlled substance analog is a felony of the first degree, and 1207
the court shall impose as a mandatory prison term a first degree 1208
felony mandatory prison term. 1209

(f) If the amount of the drug involved equals or exceeds 1210
fifty grams, possession of a controlled substance analog is a 1211
felony of the first degree, the offender is a major drug 1212
offender, and the court shall impose as a mandatory prison term 1213
a maximum first degree felony mandatory prison term. 1214

~~(9)~~(7) If the drug involved in the violation is a 1215
compound, mixture, preparation, or substance that is a 1216
combination of a fentanyl-related compound and marihuana, one of 1217
the following applies: 1218

(a) Except as otherwise provided in division (C) ~~(9)~~(7) (b) 1219
of this section, the offender ~~is guilty of possession of~~ 1220
~~marihuana and shall be punished as provided in division (C) (3)~~ 1221
~~of this section. Except as otherwise provided in division (C) (9)~~ 1222
~~(b) of this section, the offender is not guilty of possession of~~ 1223
a fentanyl-related compound under division (C) ~~(11)~~(9) of this 1224
section and shall not be charged with, convicted of, or punished 1225
under division (C) ~~(11)~~(9) of this section for possession of a 1226
fentanyl-related compound. 1227

(b) If the offender knows or has reason to know that the 1228
compound, mixture, preparation, or substance that is the drug 1229
involved contains a fentanyl-related compound, the offender is 1230
guilty of possession of a fentanyl-related compound and shall be 1231
punished under division (C) ~~(11)~~(9) of this section. 1232

~~(10)~~(8) If the drug involved in the violation is a 1233
compound, mixture, preparation, or substance that is a 1234
combination of a fentanyl-related compound and any schedule III, 1235
schedule IV, or schedule V controlled substance that is not a 1236
fentanyl-related compound, one of the following applies: 1237

(a) Except as otherwise provided in division (C) ~~(10)~~(8) (b) 1238
of this section, the offender is guilty of possession of drugs 1239
and shall be punished as provided in division (C) (2) of this 1240
section. Except as otherwise provided in division (C) ~~(10)~~(8) (b) 1241
of this section, the offender is not guilty of possession of a 1242
fentanyl-related compound under division (C) ~~(11)~~(9) of this 1243
section and shall not be charged with, convicted of, or punished 1244
under division (C) ~~(11)~~(9) of this section for possession of a 1245
fentanyl-related compound. 1246

(b) If the offender knows or has reason to know that the 1247
compound, mixture, preparation, or substance that is the drug 1248
involved contains a fentanyl-related compound, the offender is 1249
guilty of possession of a fentanyl-related compound and shall be 1250
punished under division (C) ~~(11)~~(9) of this section. 1251

~~(11)~~(9) If the drug involved in the violation is a 1252
fentanyl-related compound and neither division (C) ~~(9)~~(7) (a) nor 1253
division (C) ~~(10)~~(8) (a) of this section applies to the drug 1254
involved, or is a compound, mixture, preparation, or substance 1255
that contains a fentanyl-related compound or is a combination of 1256
a fentanyl-related compound and any other controlled substance 1257
and neither division (C) ~~(9)~~(7) (a) nor division (C) ~~(10)~~(8) (a) of 1258
this section applies to the drug involved, whoever violates 1259
division (A) of this section is guilty of possession of a 1260
fentanyl-related compound. The penalty for the offense shall be 1261
determined as follows: 1262

(a) Except as otherwise provided in division (C) ~~(11)~~ (9) 1263
(b), (c), (d), (e), (f), or (g) of this section, possession of a 1264
fentanyl-related compound is a felony of the fifth degree, and 1265
division (B) of section 2929.13 of the Revised Code applies in 1266
determining whether to impose a prison term on the offender. 1267

(b) If the amount of the drug involved equals or exceeds 1268
ten unit doses but is less than fifty unit doses or equals or 1269
exceeds one gram but is less than five grams, possession of a 1270
fentanyl-related compound is a felony of the fourth degree, and 1271
division (C) of section 2929.13 of the Revised Code applies in 1272
determining whether to impose a prison term on the offender. 1273

(c) If the amount of the drug involved equals or exceeds 1274
fifty unit doses but is less than one hundred unit doses or 1275
equals or exceeds five grams but is less than ten grams, 1276
possession of a fentanyl-related compound is a felony of the 1277
third degree, and there is a presumption for a prison term for 1278
the offense. 1279

(d) If the amount of the drug involved equals or exceeds 1280
one hundred unit doses but is less than two hundred unit doses 1281
or equals or exceeds ten grams but is less than twenty grams, 1282
possession of a fentanyl-related compound is a felony of the 1283
second degree, and the court shall impose as a mandatory prison 1284
term one of the prison terms prescribed for a felony of the 1285
second degree. 1286

(e) If the amount of the drug involved equals or exceeds 1287
two hundred unit doses but is less than five hundred unit doses 1288
or equals or exceeds twenty grams but is less than fifty grams, 1289
possession of a fentanyl-related compound is a felony of the 1290
first degree, and the court shall impose as a mandatory prison 1291
term one of the prison terms prescribed for a felony of the 1292

first degree. 1293

(f) If the amount of the drug involved equals or exceeds 1294
five hundred unit doses but is less than one thousand unit doses 1295
or equals or exceeds fifty grams but is less than one hundred 1296
grams, possession of a fentanyl-related compound is a felony of 1297
the first degree, and the court shall impose as a mandatory 1298
prison term the maximum prison term prescribed for a felony of 1299
the first degree. 1300

(g) If the amount of the drug involved equals or exceeds 1301
one thousand unit doses or equals or exceeds one hundred grams, 1302
possession of a fentanyl-related compound is a felony of the 1303
first degree, the offender is a major drug offender, and the 1304
court shall impose as a mandatory prison term the maximum prison 1305
term prescribed for a felony of the first degree. 1306

(D) Arrest or conviction for a minor misdemeanor violation 1307
of this section as it existed prior to the effective date of 1308
this amendment does not constitute a criminal record and need 1309
not be reported by the person so arrested or convicted in 1310
response to any inquiries about the person's criminal record, 1311
including any inquiries contained in any application for 1312
employment, license, or other right or privilege, or made in 1313
connection with the person's appearance as a witness. 1314

(E) In addition to any prison term or jail term authorized 1315
or required by division (C) of this section and sections 1316
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1317
Code and in addition to any other sanction that is imposed for 1318
the offense under this section, sections 2929.11 to 2929.18, or 1319
sections 2929.21 to 2929.28 of the Revised Code, the court that 1320
sentences an offender who is convicted of or pleads guilty to a 1321
violation of division (A) of this section may suspend the 1322

offender's driver's or commercial driver's license or permit for 1323
not more than five years. However, if the offender pleaded 1324
guilty to or was convicted of a violation of section 4511.19 of 1325
the Revised Code or a substantially similar municipal ordinance 1326
or the law of another state or the United States arising out of 1327
the same set of circumstances as the violation, the court shall 1328
suspend the offender's driver's or commercial driver's license 1329
or permit for not more than five years. If applicable, the court 1330
also shall do the following: 1331

(1) (a) If the violation is a felony of the first, second, 1332
or third degree, the court shall impose upon the offender the 1333
mandatory fine specified for the offense under division (B) (1) 1334
of section 2929.18 of the Revised Code unless, as specified in 1335
that division, the court determines that the offender is 1336
indigent. 1337

(b) Notwithstanding any contrary provision of section 1338
3719.21 of the Revised Code, the clerk of the court shall pay a 1339
mandatory fine or other fine imposed for a violation of this 1340
section pursuant to division (A) of section 2929.18 of the 1341
Revised Code in accordance with and subject to the requirements 1342
of division (F) of section 2925.03 of the Revised Code. The 1343
agency that receives the fine shall use the fine as specified in 1344
division (F) of section 2925.03 of the Revised Code. 1345

(c) If a person is charged with a violation of this 1346
section that is a felony of the first, second, or third degree, 1347
posts bail, and forfeits the bail, the clerk shall pay the 1348
forfeited bail pursuant to division (E) (1) (b) of this section as 1349
if it were a mandatory fine imposed under division (E) (1) (a) of 1350
this section. 1351

(2) If the offender is a professionally licensed person, 1352

in addition to any other sanction imposed for a violation of 1353
this section, the court immediately shall comply with section 1354
2925.38 of the Revised Code. 1355

(F) It is an affirmative defense, as provided in section 1356
2901.05 of the Revised Code, to a charge of a fourth degree 1357
felony violation under this section that the controlled 1358
substance that gave rise to the charge is in an amount, is in a 1359
form, is prepared, compounded, or mixed with substances that are 1360
not controlled substances in a manner, or is possessed under any 1361
other circumstances, that indicate that the substance was 1362
possessed solely for personal use. Notwithstanding any contrary 1363
provision of this section, if, in accordance with section 1364
2901.05 of the Revised Code, an accused who is charged with a 1365
fourth degree felony violation of division (C) (2), (3), (4), or 1366
(5), ~~or (6)~~ of this section sustains the burden of going forward 1367
with evidence of and establishes by a preponderance of the 1368
evidence the affirmative defense described in this division, the 1369
accused may be prosecuted for and may plead guilty to or be 1370
convicted of a misdemeanor violation of division (C) (2) of this 1371
section or a fifth degree felony violation of division (C) (3), 1372
(4), or (5), ~~or (6)~~ of this section respectively. 1373

(G) When a person is charged with possessing a bulk amount 1374
or multiple of a bulk amount, division (E) of section 2925.03 of 1375
the Revised Code applies regarding the determination of the 1376
amount of the controlled substance involved at the time of the 1377
offense. 1378

(H) It is an affirmative defense to a charge of possession 1379
of a controlled substance analog under division (C) ~~(8)~~ (6) of 1380
this section that the person charged with violating that offense 1381
obtained, possessed, or used one of the following items that are 1382

excluded from the meaning of "controlled substance analog" under 1383
section 3719.01 of the Revised Code: 1384

(1) A controlled substance; 1385

(2) Any substance for which there is an approved new drug 1386
application; 1387

(3) With respect to a particular person, any substance if 1388
an exemption is in effect for investigational use for that 1389
person pursuant to federal law to the extent that conduct with 1390
respect to that substance is pursuant to that exemption. 1391

(I) Any offender who received a mandatory suspension of 1392
the offender's driver's or commercial driver's license or permit 1393
under this section prior to September 13, 2016, may file a 1394
motion with the sentencing court requesting the termination of 1395
the suspension. However, an offender who pleaded guilty to or 1396
was convicted of a violation of section 4511.19 of the Revised 1397
Code or a substantially similar municipal ordinance or law of 1398
another state or the United States that arose out of the same 1399
set of circumstances as the violation for which the offender's 1400
license or permit was suspended under this section shall not 1401
file such a motion. 1402

Upon the filing of a motion under division (I) of this 1403
section, the sentencing court, in its discretion, may terminate 1404
the suspension. 1405

Sec. 2925.111. (A) Except as provided in division (F) of 1406
this section, no person shall knowingly obtain or possess more 1407
than two hundred grams of marihuana or twenty grams of hashish. 1408

(B) Whoever violates division (A) of this section is 1409
guilty of possession of marihuana or hashish. Except as provided 1410
in divisions (C), (D), (E), or (F) of this section, possession 1411

of marihuana or hashish is a misdemeanor of the third degree. 1412

(C) If the offense involves more than one thousand grams 1413
of marihuana or more than fifty grams of hashish, except as 1414
provided in divisions (D), (E), or (F) of this section, 1415
possession of marihuana or hashish is a felony of the fourth 1416
degree. 1417

(D) If the offense involves more than five thousand grams 1418
of marihuana or more than one thousand five hundred grams of 1419
hashish, except as provided in division (E) or (F) of this 1420
section, possession of marihuana or hashish is a felony of the 1421
third degree and notwithstanding division (A) (3) of section 1422
2929.28 of the Revised Code, the offender may be fined up to ten 1423
thousand dollars. 1424

(E) If the offense involves more than twenty thousand 1425
grams of marihuana, except as provided in division (F) of this 1426
section, possession of marihuana or hashish is a felony of the 1427
first degree, and notwithstanding division (A) (3) of section 1428
2929.18 of the Revised Code, the offender may be fined up to two 1429
hundred fifty thousand dollars for the offense. 1430

(F) Amounts cultivated, harvested, and stored in 1431
accordance with sections 2925.042 and 2925.043 of the Revised 1432
Code shall not be used for purposes of determining the amount of 1433
marihuana or hashish involved in a violation of this section. 1434

Sec. 2929.14. (A) Except as provided in division (B) (1), 1435
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1436
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1437
in division (D) (6) of section 2919.25 of the Revised Code and 1438
except in relation to an offense for which a sentence of death 1439
or life imprisonment is to be imposed, if the court imposing a 1440

sentence upon an offender for a felony elects or is required to 1441
impose a prison term on the offender pursuant to this chapter, 1442
the court shall impose a prison term that shall be one of the 1443
following: 1444

(1) (a) For a felony of the first degree committed on or 1445
~~after the effective date of this amendment~~ March 22, 2019, the 1446
prison term shall be an indefinite prison term with a stated 1447
minimum term selected by the court of three, four, five, six, 1448
seven, eight, nine, ten, or eleven years and a maximum term that 1449
is determined pursuant to section 2929.144 of the Revised Code, 1450
except that if the section that criminalizes the conduct 1451
constituting the felony specifies a different minimum term or 1452
penalty for the offense, the specific language of that section 1453
shall control in determining the minimum term or otherwise 1454
sentencing the offender but the minimum term or sentence imposed 1455
under that specific language shall be considered for purposes of 1456
the Revised Code as if it had been imposed under this division. 1457

(b) For a felony of the first degree committed prior to 1458
~~the effective date of this amendment~~ March 22, 2019, the prison 1459
term shall be a definite prison term of three, four, five, six, 1460
seven, eight, nine, ten, or eleven years. 1461

(2) (a) For a felony of the second degree committed on or 1462
~~after the effective date of this amendment~~ March 22, 2019, the 1463
prison term shall be an indefinite prison term with a stated 1464
minimum term selected by the court of two, three, four, five, 1465
six, seven, or eight years and a maximum term that is determined 1466
pursuant to section 2929.144 of the Revised Code, except that if 1467
the section that criminalizes the conduct constituting the 1468
felony specifies a different minimum term or penalty for the 1469
offense, the specific language of that section shall control in 1470

determining the minimum term or otherwise sentencing the 1471
offender but the minimum term or sentence imposed under that 1472
specific language shall be considered for purposes of the 1473
Revised Code as if it had been imposed under this division. 1474

(b) For a felony of the second degree committed prior to 1475
~~the effective date of this amendment~~ March 22, 2019, the prison 1476
term shall be a definite term of two, three, four, five, six, 1477
seven, or eight years. 1478

(3) (a) For a felony of the third degree that is a 1479
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1480
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1481
Code or that is a violation of section 2911.02 or 2911.12 of the 1482
Revised Code if the offender previously has been convicted of or 1483
pleaded guilty in two or more separate proceedings to two or 1484
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1485
of the Revised Code, the prison term shall be a definite term of 1486
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1487
forty-eight, fifty-four, or sixty months. 1488

(b) For a felony of the third degree that is not an 1489
offense for which division (A) (3) (a) of this section applies, 1490
the prison term shall be a definite term of nine, twelve, 1491
eighteen, twenty-four, thirty, or thirty-six months. 1492

(4) For a felony of the fourth degree, the prison term 1493
shall be a definite term of six, seven, eight, nine, ten, 1494
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1495
or eighteen months. 1496

(5) For a felony of the fifth degree, the prison term 1497
shall be a definite term of six, seven, eight, nine, ten, 1498
eleven, or twelve months. 1499

(B) (1) (a) Except as provided in division (B) (1) (e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:

(i) A prison term of six years if the specification is of the type described in division (A) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense;

(ii) A prison term of three years if the specification is of the type described in division (A) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

(iii) A prison term of one year if the specification is of the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and

specifies that the offender previously has been convicted of or 1530
pleaded guilty to a specification of the type described in 1531
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1532
the Revised Code; 1533

(v) A prison term of fifty-four months if the 1534
specification is of the type described in division (D) of 1535
section 2941.145 of the Revised Code that charges the offender 1536
with having a firearm on or about the offender's person or under 1537
the offender's control while committing the offense and 1538
displaying the firearm, brandishing the firearm, indicating that 1539
the offender possessed the firearm, or using the firearm to 1540
facilitate the offense and that the offender previously has been 1541
convicted of or pleaded guilty to a specification of the type 1542
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1543
2941.1412 of the Revised Code; 1544

(vi) A prison term of eighteen months if the specification 1545
is of the type described in division (D) of section 2941.141 of 1546
the Revised Code that charges the offender with having a firearm 1547
on or about the offender's person or under the offender's 1548
control while committing the offense and that the offender 1549
previously has been convicted of or pleaded guilty to a 1550
specification of the type described in section 2941.141, 1551
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1552

(b) If a court imposes a prison term on an offender under 1553
division (B)(1)(a) of this section, the prison term shall not be 1554
reduced pursuant to section 2967.19, section 2929.20, section 1555
2967.193, or any other provision of Chapter 2967. or Chapter 1556
5120. of the Revised Code. Except as provided in division (B)(1) 1557
(g) of this section, a court shall not impose more than one 1558
prison term on an offender under division (B)(1)(a) of this 1559

section for felonies committed as part of the same act or 1560
transaction. 1561

(c) (i) Except as provided in division (B) (1) (e) of this 1562
section, if an offender who is convicted of or pleads guilty to 1563
a violation of section 2923.161 of the Revised Code or to a 1564
felony that includes, as an essential element, purposely or 1565
knowingly causing or attempting to cause the death of or 1566
physical harm to another, also is convicted of or pleads guilty 1567
to a specification of the type described in division (A) of 1568
section 2941.146 of the Revised Code that charges the offender 1569
with committing the offense by discharging a firearm from a 1570
motor vehicle other than a manufactured home, the court, after 1571
imposing a prison term on the offender for the violation of 1572
section 2923.161 of the Revised Code or for the other felony 1573
offense under division (A), (B) (2), or (B) (3) of this section, 1574
shall impose an additional prison term of five years upon the 1575
offender that shall not be reduced pursuant to section 2929.20, 1576
section 2967.19, section 2967.193, or any other provision of 1577
Chapter 2967. or Chapter 5120. of the Revised Code. 1578

(ii) Except as provided in division (B) (1) (e) of this 1579
section, if an offender who is convicted of or pleads guilty to 1580
a violation of section 2923.161 of the Revised Code or to a 1581
felony that includes, as an essential element, purposely or 1582
knowingly causing or attempting to cause the death of or 1583
physical harm to another, also is convicted of or pleads guilty 1584
to a specification of the type described in division (C) of 1585
section 2941.146 of the Revised Code that charges the offender 1586
with committing the offense by discharging a firearm from a 1587
motor vehicle other than a manufactured home and that the 1588
offender previously has been convicted of or pleaded guilty to a 1589
specification of the type described in section 2941.141, 1590

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1591
the court, after imposing a prison term on the offender for the 1592
violation of section 2923.161 of the Revised Code or for the 1593
other felony offense under division (A), (B) (2), or (3) of this 1594
section, shall impose an additional prison term of ninety months 1595
upon the offender that shall not be reduced pursuant to section 1596
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1597
2967. or Chapter 5120. of the Revised Code. 1598

(iii) A court shall not impose more than one additional 1599
prison term on an offender under division (B) (1) (c) of this 1600
section for felonies committed as part of the same act or 1601
transaction. If a court imposes an additional prison term on an 1602
offender under division (B) (1) (c) of this section relative to an 1603
offense, the court also shall impose a prison term under 1604
division (B) (1) (a) of this section relative to the same offense, 1605
provided the criteria specified in that division for imposing an 1606
additional prison term are satisfied relative to the offender 1607
and the offense. 1608

(d) If an offender who is convicted of or pleads guilty to 1609
an offense of violence that is a felony also is convicted of or 1610
pleads guilty to a specification of the type described in 1611
section 2941.1411 of the Revised Code that charges the offender 1612
with wearing or carrying body armor while committing the felony 1613
offense of violence, the court shall impose on the offender an 1614
additional prison term of two years. The prison term so imposed, 1615
subject to divisions (C) to (I) of section 2967.19 of the 1616
Revised Code, shall not be reduced pursuant to section 2929.20, 1617
section 2967.19, section 2967.193, or any other provision of 1618
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1619
shall not impose more than one prison term on an offender under 1620
division (B) (1) (d) of this section for felonies committed as 1621

part of the same act or transaction. If a court imposes an 1622
additional prison term under division (B) (1) (a) or (c) of this 1623
section, the court is not precluded from imposing an additional 1624
prison term under division (B) (1) (d) of this section. 1625

(e) The court shall not impose any of the prison terms 1626
described in division (B) (1) (a) of this section or any of the 1627
additional prison terms described in division (B) (1) (c) of this 1628
section upon an offender for a violation of section 2923.12 or 1629
2923.123 of the Revised Code. The court shall not impose any of 1630
the prison terms described in division (B) (1) (a) or (b) of this 1631
section upon an offender for a violation of section 2923.122 1632
that involves a deadly weapon that is a firearm other than a 1633
dangerous ordnance, section 2923.16, or section 2923.121 of the 1634
Revised Code. The court shall not impose any of the prison terms 1635
described in division (B) (1) (a) of this section or any of the 1636
additional prison terms described in division (B) (1) (c) of this 1637
section upon an offender for a violation of section 2923.13 of 1638
the Revised Code unless all of the following apply: 1639

(i) The offender previously has been convicted of 1640
aggravated murder, murder, or any felony of the first or second 1641
degree. 1642

(ii) Less than five years have passed since the offender 1643
was released from prison or post-release control, whichever is 1644
later, for the prior offense. 1645

(f) (i) If an offender is convicted of or pleads guilty to 1646
a felony that includes, as an essential element, causing or 1647
attempting to cause the death of or physical harm to another and 1648
also is convicted of or pleads guilty to a specification of the 1649
type described in division (A) of section 2941.1412 of the 1650
Revised Code that charges the offender with committing the 1651

offense by discharging a firearm at a peace officer as defined 1652
in section 2935.01 of the Revised Code or a corrections officer, 1653
as defined in section 2941.1412 of the Revised Code, the court, 1654
after imposing a prison term on the offender for the felony 1655
offense under division (A), (B) (2), or (B) (3) of this section, 1656
shall impose an additional prison term of seven years upon the 1657
offender that shall not be reduced pursuant to section 2929.20, 1658
section 2967.19, section 2967.193, or any other provision of 1659
Chapter 2967. or Chapter 5120. of the Revised Code. 1660

(ii) If an offender is convicted of or pleads guilty to a 1661
felony that includes, as an essential element, causing or 1662
attempting to cause the death of or physical harm to another and 1663
also is convicted of or pleads guilty to a specification of the 1664
type described in division (B) of section 2941.1412 of the 1665
Revised Code that charges the offender with committing the 1666
offense by discharging a firearm at a peace officer, as defined 1667
in section 2935.01 of the Revised Code, or a corrections 1668
officer, as defined in section 2941.1412 of the Revised Code, 1669
and that the offender previously has been convicted of or 1670
pleaded guilty to a specification of the type described in 1671
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1672
the Revised Code, the court, after imposing a prison term on the 1673
offender for the felony offense under division (A), (B) (2), or 1674
(3) of this section, shall impose an additional prison term of 1675
one hundred twenty-six months upon the offender that shall not 1676
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1677
any other provision of Chapter 2967. or 5120. of the Revised 1678
Code. 1679

(iii) If an offender is convicted of or pleads guilty to 1680
two or more felonies that include, as an essential element, 1681
causing or attempting to cause the death or physical harm to 1682

another and also is convicted of or pleads guilty to a 1683
specification of the type described under division (B) (1) (f) of 1684
this section in connection with two or more of the felonies of 1685
which the offender is convicted or to which the offender pleads 1686
guilty, the sentencing court shall impose on the offender the 1687
prison term specified under division (B) (1) (f) of this section 1688
for each of two of the specifications of which the offender is 1689
convicted or to which the offender pleads guilty and, in its 1690
discretion, also may impose on the offender the prison term 1691
specified under that division for any or all of the remaining 1692
specifications. If a court imposes an additional prison term on 1693
an offender under division (B) (1) (f) of this section relative to 1694
an offense, the court shall not impose a prison term under 1695
division (B) (1) (a) or (c) of this section relative to the same 1696
offense. 1697

(g) If an offender is convicted of or pleads guilty to two 1698
or more felonies, if one or more of those felonies are 1699
aggravated murder, murder, attempted aggravated murder, 1700
attempted murder, aggravated robbery, felonious assault, or 1701
rape, and if the offender is convicted of or pleads guilty to a 1702
specification of the type described under division (B) (1) (a) of 1703
this section in connection with two or more of the felonies, the 1704
sentencing court shall impose on the offender the prison term 1705
specified under division (B) (1) (a) of this section for each of 1706
the two most serious specifications of which the offender is 1707
convicted or to which the offender pleads guilty and, in its 1708
discretion, also may impose on the offender the prison term 1709
specified under that division for any or all of the remaining 1710
specifications. 1711

(2) (a) If division (B) (2) (b) of this section does not 1712
apply, the court may impose on an offender, in addition to the 1713

longest prison term authorized or required for the offense or, 1714
for offenses for which division (A) (1) (a) or (2) (a) of this 1715
section applies, in addition to the longest minimum prison term 1716
authorized or required for the offense, an additional definite 1717
prison term of one, two, three, four, five, six, seven, eight, 1718
nine, or ten years if all of the following criteria are met: 1719

(i) The offender is convicted of or pleads guilty to a 1720
specification of the type described in section 2941.149 of the 1721
Revised Code that the offender is a repeat violent offender. 1722

(ii) The offense of which the offender currently is 1723
convicted or to which the offender currently pleads guilty is 1724
aggravated murder and the court does not impose a sentence of 1725
death or life imprisonment without parole, murder, terrorism and 1726
the court does not impose a sentence of life imprisonment 1727
without parole, any felony of the first degree that is an 1728
offense of violence and the court does not impose a sentence of 1729
life imprisonment without parole, or any felony of the second 1730
degree that is an offense of violence and the trier of fact 1731
finds that the offense involved an attempt to cause or a threat 1732
to cause serious physical harm to a person or resulted in 1733
serious physical harm to a person. 1734

(iii) The court imposes the longest prison term for the 1735
offense or the longest minimum prison term for the offense, 1736
whichever is applicable, that is not life imprisonment without 1737
parole. 1738

(iv) The court finds that the prison terms imposed 1739
pursuant to division (B) (2) (a) (iii) of this section and, if 1740
applicable, division (B) (1) or (3) of this section are 1741
inadequate to punish the offender and protect the public from 1742
future crime, because the applicable factors under section 1743

2929.12 of the Revised Code indicating a greater likelihood of 1744
recidivism outweigh the applicable factors under that section 1745
indicating a lesser likelihood of recidivism. 1746

(v) The court finds that the prison terms imposed pursuant 1747
to division (B) (2) (a) (iii) of this section and, if applicable, 1748
division (B) (1) or (3) of this section are demeaning to the 1749
seriousness of the offense, because one or more of the factors 1750
under section 2929.12 of the Revised Code indicating that the 1751
offender's conduct is more serious than conduct normally 1752
constituting the offense are present, and they outweigh the 1753
applicable factors under that section indicating that the 1754
offender's conduct is less serious than conduct normally 1755
constituting the offense. 1756

(b) The court shall impose on an offender the longest 1757
prison term authorized or required for the offense or, for 1758
offenses for which division (A) (1) (a) or (2) (a) of this section 1759
applies, the longest minimum prison term authorized or required 1760
for the offense, and shall impose on the offender an additional 1761
definite prison term of one, two, three, four, five, six, seven, 1762
eight, nine, or ten years if all of the following criteria are 1763
met: 1764

(i) The offender is convicted of or pleads guilty to a 1765
specification of the type described in section 2941.149 of the 1766
Revised Code that the offender is a repeat violent offender. 1767

(ii) The offender within the preceding twenty years has 1768
been convicted of or pleaded guilty to three or more offenses 1769
described in division (CC) (1) of section 2929.01 of the Revised 1770
Code, including all offenses described in that division of which 1771
the offender is convicted or to which the offender pleads guilty 1772
in the current prosecution and all offenses described in that 1773

division of which the offender previously has been convicted or 1774
to which the offender previously pleaded guilty, whether 1775
prosecuted together or separately. 1776

(iii) The offense or offenses of which the offender 1777
currently is convicted or to which the offender currently pleads 1778
guilty is aggravated murder and the court does not impose a 1779
sentence of death or life imprisonment without parole, murder, 1780
terrorism and the court does not impose a sentence of life 1781
imprisonment without parole, any felony of the first degree that 1782
is an offense of violence and the court does not impose a 1783
sentence of life imprisonment without parole, or any felony of 1784
the second degree that is an offense of violence and the trier 1785
of fact finds that the offense involved an attempt to cause or a 1786
threat to cause serious physical harm to a person or resulted in 1787
serious physical harm to a person. 1788

(c) For purposes of division (B) (2) (b) of this section, 1789
two or more offenses committed at the same time or as part of 1790
the same act or event shall be considered one offense, and that 1791
one offense shall be the offense with the greatest penalty. 1792

(d) A sentence imposed under division (B) (2) (a) or (b) of 1793
this section shall not be reduced pursuant to section 2929.20, 1794
section 2967.19, or section 2967.193, or any other provision of 1795
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1796
shall serve an additional prison term imposed under division (B) 1797
(2) (a) or (b) of this section consecutively to and prior to the 1798
prison term imposed for the underlying offense. 1799

(e) When imposing a sentence pursuant to division (B) (2) 1800
(a) or (b) of this section, the court shall state its findings 1801
explaining the imposed sentence. 1802

(3) Except when an offender commits a violation of section 1803
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1804
for the violation is life imprisonment or commits a violation of 1805
section 2903.02 of the Revised Code, if the offender commits a 1806
violation of section 2925.03 or 2925.11 of the Revised Code and 1807
that section classifies the offender as a major drug offender, 1808
if the offender commits a violation of section 2925.05 of the 1809
Revised Code and division (E)(1) of that section classifies the 1810
offender as a major drug offender, if the offender commits a 1811
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1812
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1813
division (C) or (D) of section 3719.172, division (E) of section 1814
4729.51, or division (J) of section 4729.54 of the Revised Code 1815
that includes the sale, offer to sell, or possession of a 1816
schedule I or II controlled substance, with the exception of 1817
marihuana, and the court imposing sentence upon the offender 1818
finds that the offender is guilty of a specification of the type 1819
described in division (A) of section 2941.1410 of the Revised 1820
Code charging that the offender is a major drug offender, if the 1821
court imposing sentence upon an offender for a felony finds that 1822
the offender is guilty of corrupt activity with the most serious 1823
offense in the pattern of corrupt activity being a felony of the 1824
first degree, or if the offender is guilty of an attempted 1825
violation of section 2907.02 of the Revised Code and, had the 1826
offender completed the violation of section 2907.02 of the 1827
Revised Code that was attempted, the offender would have been 1828
subject to a sentence of life imprisonment or life imprisonment 1829
without parole for the violation of section 2907.02 of the 1830
Revised Code, the court shall impose upon the offender for the 1831
felony violation a mandatory prison term determined as described 1832
in this division that, subject to divisions (C) to (I) of 1833
section 2967.19 of the Revised Code, cannot be reduced pursuant 1834

to section 2929.20, section 2967.19, or any other provision of 1835
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1836
term shall be the maximum definite prison term prescribed in 1837
division (A) (1) (b) of this section for a felony of the first 1838
degree, except that for offenses for which division (A) (1) (a) of 1839
this section applies, the mandatory prison term shall be the 1840
longest minimum prison term prescribed in that division for the 1841
offense. 1842

(4) If the offender is being sentenced for a third or 1843
fourth degree felony OVI offense under division (G) (2) of 1844
section 2929.13 of the Revised Code, the sentencing court shall 1845
impose upon the offender a mandatory prison term in accordance 1846
with that division. In addition to the mandatory prison term, if 1847
the offender is being sentenced for a fourth degree felony OVI 1848
offense, the court, notwithstanding division (A) (4) of this 1849
section, may sentence the offender to a definite prison term of 1850
not less than six months and not more than thirty months, and if 1851
the offender is being sentenced for a third degree felony OVI 1852
offense, the sentencing court may sentence the offender to an 1853
additional prison term of any duration specified in division (A) 1854
(3) of this section. In either case, the additional prison term 1855
imposed shall be reduced by the sixty or one hundred twenty days 1856
imposed upon the offender as the mandatory prison term. The 1857
total of the additional prison term imposed under division (B) 1858
(4) of this section plus the sixty or one hundred twenty days 1859
imposed as the mandatory prison term shall equal a definite term 1860
in the range of six months to thirty months for a fourth degree 1861
felony OVI offense and shall equal one of the authorized prison 1862
terms specified in division (A) (3) of this section for a third 1863
degree felony OVI offense. If the court imposes an additional 1864
prison term under division (B) (4) of this section, the offender 1865

shall serve the additional prison term after the offender has 1866
served the mandatory prison term required for the offense. In 1867
addition to the mandatory prison term or mandatory and 1868
additional prison term imposed as described in division (B) (4) 1869
of this section, the court also may sentence the offender to a 1870
community control sanction under section 2929.16 or 2929.17 of 1871
the Revised Code, but the offender shall serve all of the prison 1872
terms so imposed prior to serving the community control 1873
sanction. 1874

If the offender is being sentenced for a fourth degree 1875
felony OVI offense under division (G) (1) of section 2929.13 of 1876
the Revised Code and the court imposes a mandatory term of local 1877
incarceration, the court may impose a prison term as described 1878
in division (A) (1) of that section. 1879

(5) If an offender is convicted of or pleads guilty to a 1880
violation of division (A) (1) or (2) of section 2903.06 of the 1881
Revised Code and also is convicted of or pleads guilty to a 1882
specification of the type described in section 2941.1414 of the 1883
Revised Code that charges that the victim of the offense is a 1884
peace officer, as defined in section 2935.01 of the Revised 1885
Code, or an investigator of the bureau of criminal 1886
identification and investigation, as defined in section 2903.11 1887
of the Revised Code, the court shall impose on the offender a 1888
prison term of five years. If a court imposes a prison term on 1889
an offender under division (B) (5) of this section, the prison 1890
term, subject to divisions (C) to (I) of section 2967.19 of the 1891
Revised Code, shall not be reduced pursuant to section 2929.20, 1892
section 2967.19, section 2967.193, or any other provision of 1893
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1894
shall not impose more than one prison term on an offender under 1895
division (B) (5) of this section for felonies committed as part 1896

of the same act. 1897

(6) If an offender is convicted of or pleads guilty to a 1898
violation of division (A) (1) or (2) of section 2903.06 of the 1899
Revised Code and also is convicted of or pleads guilty to a 1900
specification of the type described in section 2941.1415 of the 1901
Revised Code that charges that the offender previously has been 1902
convicted of or pleaded guilty to three or more violations of 1903
division (A) or (B) of section 4511.19 of the Revised Code or an 1904
equivalent offense, as defined in section 2941.1415 of the 1905
Revised Code, or three or more violations of any combination of 1906
those divisions and offenses, the court shall impose on the 1907
offender a prison term of three years. If a court imposes a 1908
prison term on an offender under division (B) (6) of this 1909
section, the prison term, subject to divisions (C) to (I) of 1910
section 2967.19 of the Revised Code, shall not be reduced 1911
pursuant to section 2929.20, section 2967.19, section 2967.193, 1912
or any other provision of Chapter 2967. or Chapter 5120. of the 1913
Revised Code. A court shall not impose more than one prison term 1914
on an offender under division (B) (6) of this section for 1915
felonies committed as part of the same act. 1916

(7) (a) If an offender is convicted of or pleads guilty to 1917
a felony violation of section 2905.01, 2905.02, 2907.21, 1918
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1919
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1920
section 2919.22 of the Revised Code and also is convicted of or 1921
pleads guilty to a specification of the type described in 1922
section 2941.1422 of the Revised Code that charges that the 1923
offender knowingly committed the offense in furtherance of human 1924
trafficking, the court shall impose on the offender a mandatory 1925
prison term that is one of the following: 1926

(i) If the offense is a felony of the first degree, a 1927
definite prison term of not less than five years and not greater 1928
than eleven years, except that if the offense is a felony of the 1929
first degree committed on or after ~~the effective date of this~~ 1930
~~amendment~~ March 22, 2019, the court shall impose as the minimum 1931
prison term a mandatory term of not less than five years and not 1932
greater than eleven years; 1933

(ii) If the offense is a felony of the second or third 1934
degree, a definite prison term of not less than three years and 1935
not greater than the maximum prison term allowed for the offense 1936
by division (A) (2) (b) or (3) of this section, except that if the 1937
offense is a felony of the second degree committed on or after 1938
~~the effective date of this amendment~~ March 22, 2019, the court 1939
shall impose as the minimum prison term a mandatory term of not 1940
less than three years and not greater than eight years; 1941

(iii) If the offense is a felony of the fourth or fifth 1942
degree, a definite prison term that is the maximum prison term 1943
allowed for the offense by division (A) of section 2929.14 of 1944
the Revised Code. 1945

(b) Subject to divisions (C) to (I) of section 2967.19 of 1946
the Revised Code, the prison term imposed under division (B) (7) 1947
(a) of this section shall not be reduced pursuant to section 1948
2929.20, section 2967.19, section 2967.193, or any other 1949
provision of Chapter 2967. of the Revised Code. A court shall 1950
not impose more than one prison term on an offender under 1951
division (B) (7) (a) of this section for felonies committed as 1952
part of the same act, scheme, or plan. 1953

(8) If an offender is convicted of or pleads guilty to a 1954
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1955
Revised Code and also is convicted of or pleads guilty to a 1956

specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019, the court shall impose as the minimum prison term under division (A) (1) (a) or (2) (a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.

(9) (a) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

(i) The violation is a violation of division (A) (1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(ii) The violation is a violation of division (A) (2) of

section 2903.11 of the Revised Code and the specification 1987
charges that the offender used an accelerant in committing the 1988
violation, that the violation caused physical harm to another or 1989
to another's unborn, and that the physical harm resulted in a 1990
permanent, serious disfigurement or permanent, substantial 1991
incapacity. 1992

(b) If a court imposes a prison term on an offender under 1993
division (B) (9) (a) of this section, the prison term shall not be 1994
reduced pursuant to section 2929.20, section 2967.19, section 1995
2967.193, or any other provision of Chapter 2967. or Chapter 1996
5120. of the Revised Code. A court shall not impose more than 1997
one prison term on an offender under division (B) (9) of this 1998
section for felonies committed as part of the same act. 1999

(c) The provisions of divisions (B) (9) and (C) (6) of this 2000
section and of division (D) (2) of section 2903.11, division (F) 2001
(20) of section 2929.13, and section 2941.1425 of the Revised 2002
Code shall be known as "Judy's Law." 2003

(10) If an offender is convicted of or pleads guilty to a 2004
violation of division (A) of section 2903.11 of the Revised Code 2005
and also is convicted of or pleads guilty to a specification of 2006
the type described in section 2941.1426 of the Revised Code that 2007
charges that the victim of the offense suffered permanent 2008
disabling harm as a result of the offense and that the victim 2009
was under ten years of age at the time of the offense, 2010
regardless of whether the offender knew the age of the victim, 2011
the court shall impose upon the offender an additional definite 2012
prison term of six years. A prison term imposed on an offender 2013
under division (B) (10) of this section shall not be reduced 2014
pursuant to section 2929.20, section 2967.193, or any other 2015
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2016

If a court imposes an additional prison term on an offender 2017
under this division relative to a violation of division (A) of 2018
section 2903.11 of the Revised Code, the court shall not impose 2019
any other additional prison term on the offender relative to the 2020
same offense. 2021

(11) If an offender is convicted of or pleads guilty to a 2022
felony violation of section 2925.03 or 2925.05 of the Revised 2023
Code or a felony violation of section 2925.11 of the Revised 2024
Code for which division (C) ~~(11)~~ (9) of that section applies in 2025
determining the sentence for the violation, if the drug involved 2026
in the violation is a fentanyl-related compound or a compound, 2027
mixture, preparation, or substance containing a fentanyl-related 2028
compound, and if the offender also is convicted of or pleads 2029
guilty to a specification of the type described in division (B) 2030
of section 2941.1410 of the Revised Code that charges that the 2031
offender is a major drug offender, in addition to any other 2032
penalty imposed for the violation, the court shall impose on the 2033
offender a mandatory prison term of three, four, five, six, 2034
seven, or eight years. If a court imposes a prison term on an 2035
offender under division (B) (11) of this section, the prison 2036
term, subject to divisions (C) to (I) of section 2967.19 of the 2037
Revised Code, shall not be reduced pursuant to section 2929.20, 2038
2967.19, or 2967.193, or any other provision of Chapter 2967. or 2039
5120. of the Revised Code. A court shall not impose more than 2040
one prison term on an offender under division (B) (11) of this 2041
section for felonies committed as part of the same act. 2042

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2043
if a mandatory prison term is imposed upon an offender pursuant 2044
to division (B) (1) (a) of this section for having a firearm on or 2045
about the offender's person or under the offender's control 2046
while committing a felony, if a mandatory prison term is imposed 2047

upon an offender pursuant to division (B)(1)(c) of this section 2048
for committing a felony specified in that division by 2049
discharging a firearm from a motor vehicle, or if both types of 2050
mandatory prison terms are imposed, the offender shall serve any 2051
mandatory prison term imposed under either division 2052
consecutively to any other mandatory prison term imposed under 2053
either division or under division (B)(1)(d) of this section, 2054
consecutively to and prior to any prison term imposed for the 2055
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 2056
this section or any other section of the Revised Code, and 2057
consecutively to any other prison term or mandatory prison term 2058
previously or subsequently imposed upon the offender. 2059

(b) If a mandatory prison term is imposed upon an offender 2060
pursuant to division (B)(1)(d) of this section for wearing or 2061
carrying body armor while committing an offense of violence that 2062
is a felony, the offender shall serve the mandatory term so 2063
imposed consecutively to any other mandatory prison term imposed 2064
under that division or under division (B)(1)(a) or (c) of this 2065
section, consecutively to and prior to any prison term imposed 2066
for the underlying felony under division (A), (B)(2), or (B)(3) 2067
of this section or any other section of the Revised Code, and 2068
consecutively to any other prison term or mandatory prison term 2069
previously or subsequently imposed upon the offender. 2070

(c) If a mandatory prison term is imposed upon an offender 2071
pursuant to division (B)(1)(f) of this section, the offender 2072
shall serve the mandatory prison term so imposed consecutively 2073
to and prior to any prison term imposed for the underlying 2074
felony under division (A), (B)(2), or (B)(3) of this section or 2075
any other section of the Revised Code, and consecutively to any 2076
other prison term or mandatory prison term previously or 2077
subsequently imposed upon the offender. 2078

(d) If a mandatory prison term is imposed upon an offender 2079
pursuant to division (B) (7) or (8) of this section, the offender 2080
shall serve the mandatory prison term so imposed consecutively 2081
to any other mandatory prison term imposed under that division 2082
or under any other provision of law and consecutively to any 2083
other prison term or mandatory prison term previously or 2084
subsequently imposed upon the offender. 2085

(e) If a mandatory prison term is imposed upon an offender 2086
pursuant to division (B) (11) of this section, the offender shall 2087
serve the mandatory prison term consecutively to any other 2088
mandatory prison term imposed under that division, consecutively 2089
to and prior to any prison term imposed for the underlying 2090
felony, and consecutively to any other prison term or mandatory 2091
prison term previously or subsequently imposed upon the 2092
offender. 2093

(2) If an offender who is an inmate in a jail, prison, or 2094
other residential detention facility violates section 2917.02, 2095
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 2096
(2) of section 2921.34 of the Revised Code, if an offender who 2097
is under detention at a detention facility commits a felony 2098
violation of section 2923.131 of the Revised Code, or if an 2099
offender who is an inmate in a jail, prison, or other 2100
residential detention facility or is under detention at a 2101
detention facility commits another felony while the offender is 2102
an escapee in violation of division (A) (1) or (2) of section 2103
2921.34 of the Revised Code, any prison term imposed upon the 2104
offender for one of those violations shall be served by the 2105
offender consecutively to the prison term or term of 2106
imprisonment the offender was serving when the offender 2107
committed that offense and to any other prison term previously 2108
or subsequently imposed upon the offender. 2109

(3) If a prison term is imposed for a violation of 2110
division (B) of section 2911.01 of the Revised Code, a violation 2111
of division (A) of section 2913.02 of the Revised Code in which 2112
the stolen property is a firearm or dangerous ordnance, or a 2113
felony violation of division (B) of section 2921.331 of the 2114
Revised Code, the offender shall serve that prison term 2115
consecutively to any other prison term or mandatory prison term 2116
previously or subsequently imposed upon the offender. 2117

(4) If multiple prison terms are imposed on an offender 2118
for convictions of multiple offenses, the court may require the 2119
offender to serve the prison terms consecutively if the court 2120
finds that the consecutive service is necessary to protect the 2121
public from future crime or to punish the offender and that 2122
consecutive sentences are not disproportionate to the 2123
seriousness of the offender's conduct and to the danger the 2124
offender poses to the public, and if the court also finds any of 2125
the following: 2126

(a) The offender committed one or more of the multiple 2127
offenses while the offender was awaiting trial or sentencing, 2128
was under a sanction imposed pursuant to section 2929.16, 2129
2929.17, or 2929.18 of the Revised Code, or was under post- 2130
release control for a prior offense. 2131

(b) At least two of the multiple offenses were committed 2132
as part of one or more courses of conduct, and the harm caused 2133
by two or more of the multiple offenses so committed was so 2134
great or unusual that no single prison term for any of the 2135
offenses committed as part of any of the courses of conduct 2136
adequately reflects the seriousness of the offender's conduct. 2137

(c) The offender's history of criminal conduct 2138
demonstrates that consecutive sentences are necessary to protect 2139

the public from future crime by the offender. 2140

(5) If a mandatory prison term is imposed upon an offender 2141
pursuant to division (B) (5) or (6) of this section, the offender 2142
shall serve the mandatory prison term consecutively to and prior 2143
to any prison term imposed for the underlying violation of 2144
division (A) (1) or (2) of section 2903.06 of the Revised Code 2145
pursuant to division (A) of this section or section 2929.142 of 2146
the Revised Code. If a mandatory prison term is imposed upon an 2147
offender pursuant to division (B) (5) of this section, and if a 2148
mandatory prison term also is imposed upon the offender pursuant 2149
to division (B) (6) of this section in relation to the same 2150
violation, the offender shall serve the mandatory prison term 2151
imposed pursuant to division (B) (5) of this section 2152
consecutively to and prior to the mandatory prison term imposed 2153
pursuant to division (B) (6) of this section and consecutively to 2154
and prior to any prison term imposed for the underlying 2155
violation of division (A) (1) or (2) of section 2903.06 of the 2156
Revised Code pursuant to division (A) of this section or section 2157
2929.142 of the Revised Code. 2158

(6) If a mandatory prison term is imposed on an offender 2159
pursuant to division (B) (9) of this section, the offender shall 2160
serve the mandatory prison term consecutively to and prior to 2161
any prison term imposed for the underlying violation of division 2162
(A) (1) or (2) of section 2903.11 of the Revised Code and 2163
consecutively to and prior to any other prison term or mandatory 2164
prison term previously or subsequently imposed on the offender. 2165

(7) If a mandatory prison term is imposed on an offender 2166
pursuant to division (B) (10) of this section, the offender shall 2167
serve that mandatory prison term consecutively to and prior to 2168
any prison term imposed for the underlying felonious assault. 2169

Except as otherwise provided in division (C) of this section, 2170
any other prison term or mandatory prison term previously or 2171
subsequently imposed upon the offender may be served 2172
concurrently with, or consecutively to, the prison term imposed 2173
pursuant to division (B)(10) of this section. 2174

(8) Any prison term imposed for a violation of section 2175
2903.04 of the Revised Code that is based on a violation of 2176
section 2925.03 or 2925.11 of the Revised Code or on a violation 2177
of section 2925.05 of the Revised Code that is not funding of 2178
marihuana trafficking shall run consecutively to any prison term 2179
imposed for the violation of section 2925.03 or 2925.11 of the 2180
Revised Code or for the violation of section 2925.05 of the 2181
Revised Code that is not funding of marihuana trafficking. 2182

(9) When consecutive prison terms are imposed pursuant to 2183
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 2184
division (H)(1) or (2) of this section, subject to division (C) 2185
(10) of this section, the term to be served is the aggregate of 2186
all of the terms so imposed. 2187

(10) When a court sentences an offender to a non-life 2188
felony indefinite prison term, any definite prison term or 2189
mandatory definite prison term previously or subsequently 2190
imposed on the offender in addition to that indefinite sentence 2191
that is required to be served consecutively to that indefinite 2192
sentence shall be served prior to the indefinite sentence. 2193

(11) If a court is sentencing an offender for a felony of 2194
the first or second degree, if division (A)(1)(a) or (2)(a) of 2195
this section applies with respect to the sentencing for the 2196
offense, and if the court is required under the Revised Code 2197
section that sets forth the offense or any other Revised Code 2198
provision to impose a mandatory prison term for the offense, the 2199

court shall impose the required mandatory prison term as the 2200
minimum term imposed under division (A) (1) (a) or (2) (a) of this 2201
section, whichever is applicable. 2202

(D) (1) If a court imposes a prison term, other than a term 2203
of life imprisonment, for a felony of the first degree, for a 2204
felony of the second degree, for a felony sex offense, or for a 2205
felony of the third degree that is an offense of violence and 2206
that is not a felony sex offense, it shall include in the 2207
sentence a requirement that the offender be subject to a period 2208
of post-release control after the offender's release from 2209
imprisonment, in accordance with section 2967.28 of the Revised 2210
Code. If a court imposes a sentence including a prison term of a 2211
type described in this division on or after July 11, 2006, the 2212
failure of a court to include a post-release control requirement 2213
in the sentence pursuant to this division does not negate, 2214
limit, or otherwise affect the mandatory period of post-release 2215
control that is required for the offender under division (B) of 2216
section 2967.28 of the Revised Code. Section 2929.191 of the 2217
Revised Code applies if, prior to July 11, 2006, a court imposed 2218
a sentence including a prison term of a type described in this 2219
division and failed to include in the sentence pursuant to this 2220
division a statement regarding post-release control. 2221

(2) If a court imposes a prison term for a felony of the 2222
third, fourth, or fifth degree that is not subject to division 2223
(D) (1) of this section, it shall include in the sentence a 2224
requirement that the offender be subject to a period of post- 2225
release control after the offender's release from imprisonment, 2226
in accordance with that division, if the parole board determines 2227
that a period of post-release control is necessary. Section 2228
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2229
a court imposed a sentence including a prison term of a type 2230

described in this division and failed to include in the sentence 2231
pursuant to this division a statement regarding post-release 2232
control. 2233

(E) The court shall impose sentence upon the offender in 2234
accordance with section 2971.03 of the Revised Code, and Chapter 2235
2971. of the Revised Code applies regarding the prison term or 2236
term of life imprisonment without parole imposed upon the 2237
offender and the service of that term of imprisonment if any of 2238
the following apply: 2239

(1) A person is convicted of or pleads guilty to a violent 2240
sex offense or a designated homicide, assault, or kidnapping 2241
offense, and, in relation to that offense, the offender is 2242
adjudicated a sexually violent predator. 2243

(2) A person is convicted of or pleads guilty to a 2244
violation of division (A) (1) (b) of section 2907.02 of the 2245
Revised Code committed on or after January 2, 2007, and either 2246
the court does not impose a sentence of life without parole when 2247
authorized pursuant to division (B) of section 2907.02 of the 2248
Revised Code, or division (B) of section 2907.02 of the Revised 2249
Code provides that the court shall not sentence the offender 2250
pursuant to section 2971.03 of the Revised Code. 2251

(3) A person is convicted of or pleads guilty to attempted 2252
rape committed on or after January 2, 2007, and a specification 2253
of the type described in section 2941.1418, 2941.1419, or 2254
2941.1420 of the Revised Code. 2255

(4) A person is convicted of or pleads guilty to a 2256
violation of section 2905.01 of the Revised Code committed on or 2257
after January 1, 2008, and that section requires the court to 2258
sentence the offender pursuant to section 2971.03 of the Revised 2259

Code. 2260

(5) A person is convicted of or pleads guilty to 2261
aggravated murder committed on or after January 1, 2008, and 2262
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2263
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2264
(a) (iv) of section 2929.03, or division (A) or (B) of section 2265
2929.06 of the Revised Code requires the court to sentence the 2266
offender pursuant to division (B) (3) of section 2971.03 of the 2267
Revised Code. 2268

(6) A person is convicted of or pleads guilty to murder 2269
committed on or after January 1, 2008, and division (B) (2) of 2270
section 2929.02 of the Revised Code requires the court to 2271
sentence the offender pursuant to section 2971.03 of the Revised 2272
Code. 2273

(F) If a person who has been convicted of or pleaded 2274
guilty to a felony is sentenced to a prison term or term of 2275
imprisonment under this section, sections 2929.02 to 2929.06 of 2276
the Revised Code, section 2929.142 of the Revised Code, section 2277
2971.03 of the Revised Code, or any other provision of law, 2278
section 5120.163 of the Revised Code applies regarding the 2279
person while the person is confined in a state correctional 2280
institution. 2281

(G) If an offender who is convicted of or pleads guilty to 2282
a felony that is an offense of violence also is convicted of or 2283
pleads guilty to a specification of the type described in 2284
section 2941.142 of the Revised Code that charges the offender 2285
with having committed the felony while participating in a 2286
criminal gang, the court shall impose upon the offender an 2287
additional prison term of one, two, or three years. 2288

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (H) (2) (a) (ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly

impose on the offender a sanction that requires the offender to 2319
wear a real-time processing, continual tracking electronic 2320
monitoring device during the period of time specified by the 2321
court. The period of time specified by the court shall equal the 2322
duration of an additional prison term that the court could have 2323
imposed upon the offender under division (H) (2) (a) of this 2324
section. A sanction imposed under this division shall commence 2325
on the date specified by the court, provided that the sanction 2326
shall not commence until after the offender has served the 2327
prison term imposed for the felony violation of section 2907.22, 2328
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2329
residential sanction imposed for the violation under section 2330
2929.16 of the Revised Code. A sanction imposed under this 2331
division shall be considered to be a community control sanction 2332
for purposes of section 2929.15 of the Revised Code, and all 2333
provisions of the Revised Code that pertain to community control 2334
sanctions shall apply to a sanction imposed under this division, 2335
except to the extent that they would by their nature be clearly 2336
inapplicable. The offender shall pay all costs associated with a 2337
sanction imposed under this division, including the cost of the 2338
use of the monitoring device. 2339

(I) At the time of sentencing, the court may recommend the 2340
offender for placement in a program of shock incarceration under 2341
section 5120.031 of the Revised Code or for placement in an 2342
intensive program prison under section 5120.032 of the Revised 2343
Code, disapprove placement of the offender in a program of shock 2344
incarceration or an intensive program prison of that nature, or 2345
make no recommendation on placement of the offender. In no case 2346
shall the department of rehabilitation and correction place the 2347
offender in a program or prison of that nature unless the 2348
department determines as specified in section 5120.031 or 2349

5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code

and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20 or 2967.19 or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K) (1) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(L) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, a definite sentence, or a sentence to an indefinite prison term under this chapter for a felony offense that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code.

Sec. 2953.39. (A) As used in this section:

(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.

(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.

(4) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.

(5) "Qualified marihuana offense" means either of the following:

(a) A violation of section 2925.11 of the Revised Code, as that section existed prior to the effective date of this amendment, that involved the obtaining, possession, or use of two hundred grams of marihuana or less, or that involved the obtaining, possession, or use of twenty grams of hashish or less;

(b) A violation of section 2925.04 of the Revised Code, as that section existed prior to the effective date of this amendment, that involved the cultivation of twelve or fewer

marihuana plants. 2438

(B) Any person who is convicted of, was convicted of, 2439
pleads guilty to, or has pleaded guilty to a qualified marihuana 2440
offense may file an application under this section for the 2441
expungement of the record of conviction. The person may file the 2442
application at any time on or after the effective date of this 2443
act. The application shall do all of the following: 2444

(1) Identify the applicant, the offense for which the 2445
expungement is sought, the date of the conviction or plea of 2446
guilty to that offense, and the court in which the conviction 2447
occurred or the plea of guilty was entered. 2448

(2) Include evidence that the offense was a qualified 2449
marihuana offense. 2450

(3) Include a request for expungement of the record of 2451
conviction of that offense under this section. 2452

(C) Upon the filing of an application under division (B) 2453
of this section and the payment of the fee described in division 2454
(G) of this section, if applicable, the court shall set a date 2455
for a hearing and shall notify the prosecutor for the case of 2456
the hearing on the application. The prosecutor may object to the 2457
granting of the application by filing an objection with the 2458
court prior to the date set for the hearing. The prosecutor 2459
shall specify in the objection the reasons for believing a 2460
denial of the application is justified. The court shall hold the 2461
hearing scheduled under this division. 2462

(D) (1) At the hearing held under division (C) of this 2463
section, the court shall do each of the following: 2464

(a) If the prosecutor has filed an objection in accordance 2465
with division (C) of this section, consider the reasons against 2466

granting the application specified by the prosecutor in the 2467
objection; 2468

(b) Determine whether the applicant has been convicted of 2469
or pleaded guilty to a qualified marihuana offense. 2470

(E) If the court determines at the hearing held under 2471
division (D) of this section that an offense that is the subject 2472
of an application under this section is a qualified marihuana 2473
offense, the court shall order the expungement of all official 2474
records pertaining to the case and the deletion of all index 2475
references to the case and, if it does order the expungement, 2476
shall send notice of the order to each public office or agency 2477
that the court has reason to believe may have an official record 2478
pertaining to the case. 2479

(F) The proceedings in the case that is the subject of an 2480
order issued under division (E) of this section shall be 2481
considered not to have occurred and the conviction or guilty 2482
plea of the person who is the subject of the proceedings shall 2483
be expunged. The record of the conviction shall not be used for 2484
any purpose, including, but not limited to, a criminal records 2485
check under section 109.572 of the Revised Code or a 2486
determination under section 2923.125 or 2923.1213 of the Revised 2487
Code of eligibility for a concealed handgun license. The 2488
applicant may, and the court shall, reply that no record exists 2489
with respect to the applicant upon any inquiry into the matter. 2490

(G) Upon the filing of an application under this section, 2491
the applicant, unless indigent, shall pay a fee of fifty 2492
dollars. The court shall pay thirty dollars of the fee into the 2493
state treasury and shall pay twenty dollars of the fee into the 2494
county general revenue fund. 2495

Section 2. That existing sections 2925.01, 2925.04,	2496
2925.11, and 2929.14 of the Revised Code are hereby repealed.	2497
Section 3. The General Assembly, applying the principle	2498
stated in division (B) of section 1.52 of the Revised Code that	2499
amendments are to be harmonized if reasonably capable of	2500
simultaneous operation, finds that the following sections,	2501
presented in this act as composites of the sections as amended	2502
by the acts indicated, are the resulting versions of the	2503
sections in effect prior to the effective date of the sections	2504
as presented in this act:	2505
Section 2925.01 of the Revised Code as amended by H.B. 49,	2506
S.B. 1, S.B. 201, S.B. 229, S.B. 255, and S.B. 259, all of the	2507
132nd General Assembly.	2508
Section 2925.04 of the Revised Code as amended by both	2509
S.B. 1 and S.B. 201 of the 132nd General Assembly.	2510
Section 2925.11 of the Revised Code as amended by S.B. 1,	2511
S.B. 201, and S.B. 229, all of the 132nd General Assembly.	2512
Section 2929.14 of the Revised Code as amended by both	2513
H.B. 136 and S.B. 256 of the 133rd General Assembly.	2514