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Representative Wiggam

Cosponsors: Representatives Becker, Hagan, Hambley, Butler, Thompson, Hood, Romanchuk, Kick, Riedel, Roegner, Merrin, Scherer, Antani, Johnson, Koehler, Ginter, Lang, Stein

A BILL

To amend section 2925.03 of the Revised Code to
provide that in determining the amount of
cocaine for trafficking offenses, it also
includes a compound, mixture, preparation, or
substance containing cocaine, to increase
penalties for certain drug trafficking offenses,
and to name this act the Drug Trafficking
Deterrence Act.

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

Section 1. That section 2925.03 of the Revised Code be
amended to read as follows:

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

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

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

or a controlled substance analog, when the offender knows or has 17
reasonable cause to believe that the controlled substance or a 18
controlled substance analog is intended for sale or resale by 19
the offender or another person. 20

(B) This section does not apply to any of the following: 21

(1) Manufacturers, licensed health professionals 22
authorized to prescribe drugs, pharmacists, owners of 23
pharmacies, and other persons whose conduct is in accordance 24
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 25
4741. of the Revised Code; 26

(2) If the offense involves an anabolic steroid, any 27
person who is conducting or participating in a research project 28
involving the use of an anabolic steroid if the project has been 29
approved by the United States food and drug administration; 30

(3) Any person who sells, offers for sale, prescribes, 31
dispenses, or administers for livestock or other nonhuman 32
species an anabolic steroid that is expressly intended for 33
administration through implants to livestock or other nonhuman 34
species and approved for that purpose under the "Federal Food, 35
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 36
as amended, and is sold, offered for sale, prescribed, 37
dispensed, or administered for that purpose in accordance with 38
that act. 39

(C) Whoever violates division (A) of this section is 40
guilty of one of the following: 41

(1) If the drug involved in the violation is any compound, 42
mixture, preparation, or substance included in schedule I or 43
schedule II, with the exception of marihuana, cocaine, L.S.D., 44
heroin, hashish, and controlled substance analogs, whoever 45

violates division (A) of this section is guilty of aggravated 46
trafficking in drugs. The penalty for the offense shall be 47
determined as follows: 48

(a) Except as otherwise provided in division (C) (1) (b), 49
(c), or (d), ~~(e), or (f)~~ of this section, aggravated trafficking 50
in drugs is a felony of the ~~fourth~~third degree, and ~~division~~ 51
~~(C) of section 2929.13 of the Revised Code applies in~~ 52
~~determining whether to impose a prison term on the offender~~ the 53
court shall impose as a mandatory prison term one of the prison 54
terms prescribed for a felony of the third degree. 55

(b) ~~Except as otherwise provided in division (C) (1) (c),~~ 56
~~(d), (e), or (f) of this section, if the offense was committed~~ 57
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 58
~~aggravated trafficking in drugs is a felony of the third degree,~~ 59
~~and division (C) of section 2929.13 of the Revised Code applies~~ 60
~~in determining whether to impose a prison term on the offender.~~ 61

~~(e)~~ Except as otherwise provided in this division, if the 62
amount of the drug involved equals or exceeds the bulk amount 63
but is less than ~~five~~fifty times the bulk amount, aggravated 64
trafficking in drugs is a felony of the ~~third~~second degree, 65
and, ~~except as otherwise provided in this division, there is a~~ 66
~~presumption for a prison term for the offense~~ the court shall 67
impose as a mandatory prison term one of the prison terms 68
prescribed for a felony of the second degree. If ~~aggravated~~ 69
~~trafficking in drugs is a felony of the third degree under this~~ 70
~~division~~ the amount of the drug involved equals or exceeds the 71
bulk amount but is less than fifty times the bulk amount and if 72
the offender two or more times previously has been convicted of 73
or pleaded guilty to a felony drug abuse offense, aggravated 74
trafficking in drugs is a felony of the first degree and the 75

court shall impose as a mandatory prison term one of the prison 76
terms prescribed for a felony of the ~~third~~first degree. If the 77
amount of the drug involved is within that range and if the 78
offense was committed in the vicinity of a school or in the 79
vicinity of a juvenile, regardless of whether the offender has 80
previously been convicted of or pleaded guilty to a felony drug 81
abuse offense, aggravated trafficking in drugs is a felony of 82
the ~~second~~first degree, and the court shall impose as a 83
mandatory prison term one of the prison terms prescribed for a 84
felony of the ~~second~~first degree. 85

~~(d) Except as otherwise provided in this division, if the 86
amount of the drug involved equals or exceeds five times the 87
bulk amount but is less than fifty times the bulk amount, 88
aggravated trafficking in drugs is a felony of the second- 89
degree, and the court shall impose as a mandatory prison term- 90
one of the prison terms prescribed for a felony of the second- 91
degree. If the amount of the drug involved is within that range- 92
and if the offense was committed in the vicinity of a school or- 93
in the vicinity of a juvenile, aggravated trafficking in drugs- 94
is a felony of the first degree, and the court shall impose as a 95
mandatory prison term one of the prison terms prescribed for a 96
felony of the first degree.- 97~~

~~(e)~~(c) If the amount of the drug involved equals or 98
exceeds fifty times the bulk amount but is less than one hundred 99
times the bulk amount, regardless of whether the offender has 100
previously been convicted of or pleaded guilty to a felony drug 101
abuse offense and regardless of whether the offense was 102
committed in the vicinity of a school or in the vicinity of a 103
juvenile, aggravated trafficking in drugs is a felony of the 104
first degree, and the court shall impose as a mandatory prison 105
term one of the prison terms prescribed for a felony of the 106

first degree. 107

~~(f)~~ (d) If the amount of the drug involved equals or 108
exceeds one hundred times the bulk amount, regardless of whether 109
the offender has previously been convicted of or pleaded guilty 110
to a felony drug abuse offense and regardless of whether the 111
offense was committed in the vicinity of a school or in the 112
vicinity of a juvenile, aggravated trafficking in drugs is a 113
felony of the first degree, the offender is a major drug 114
offender, and the court shall impose as a mandatory prison term 115
the maximum prison term prescribed for a felony of the first 116
degree. 117

(2) If the drug involved in the violation is any compound, 118
mixture, preparation, or substance included in schedule III, IV, 119
or V, whoever violates division (A) of this section is guilty of 120
trafficking in drugs. The penalty for the offense shall be 121
determined as follows: 122

(a) Except as otherwise provided in division (C) (2) (b), 123
(c), (d), or (e) of this section, trafficking in drugs is a 124
felony of the fifth degree, and division (B) of section 2929.13 125
of the Revised Code applies in determining whether to impose a 126
prison term on the offender. 127

(b) Except as otherwise provided in division (C) (2) (c), 128
(d), or (e) of this section, if the offense was committed in the 129
vicinity of a school or in the vicinity of a juvenile, 130
trafficking in drugs is a felony of the fourth degree, and 131
division (C) of section 2929.13 of the Revised Code applies in 132
determining whether to impose a prison term on the offender. 133

(c) Except as otherwise provided in this division, if the 134
amount of the drug involved equals or exceeds the bulk amount 135

but is less than five times the bulk amount, trafficking in 136
drugs is a felony of the fourth degree, and division (B) of 137
section 2929.13 of the Revised Code applies in determining 138
whether to impose a prison term for the offense. If the amount 139
of the drug involved is within that range and if the offense was 140
committed in the vicinity of a school or in the vicinity of a 141
juvenile, trafficking in drugs is a felony of the third degree, 142
and there is a presumption for a prison term for the offense. 143

(d) Except as otherwise provided in this division, if the 144
amount of the drug involved equals or exceeds five times the 145
bulk amount but is less than fifty times the bulk amount, 146
trafficking in drugs is a felony of the third degree, and there 147
is a presumption for a prison term for the offense. If the 148
amount of the drug involved is within that range and if the 149
offense was committed in the vicinity of a school or in the 150
vicinity of a juvenile, trafficking in drugs is a felony of the 151
second degree, and there is a presumption for a prison term for 152
the offense. 153

(e) Except as otherwise provided in this division, if the 154
amount of the drug involved equals or exceeds fifty times the 155
bulk amount, trafficking in drugs is a felony of the second 156
degree, and the court shall impose as a mandatory prison term 157
one of the prison terms prescribed for a felony of the second 158
degree. If the amount of the drug involved equals or exceeds 159
fifty times the bulk amount and if the offense was committed in 160
the vicinity of a school or in the vicinity of a juvenile, 161
trafficking in drugs is a felony of the first degree, and the 162
court shall impose as a mandatory prison term one of the prison 163
terms prescribed for a felony of the first degree. 164

(3) If the drug involved in the violation is marihuana or 165

a compound, mixture, preparation, or substance containing 166
marihuana other than hashish, whoever violates division (A) of 167
this section is guilty of trafficking in marihuana. The penalty 168
for the offense shall be determined as follows: 169

(a) Except as otherwise provided in division (C) (3) (b), 170
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 171
marihuana is a felony of the fifth degree, and division (B) of 172
section 2929.13 of the Revised Code applies in determining 173
whether to impose a prison term on the offender. 174

(b) Except as otherwise provided in division (C) (3) (c), 175
(d), (e), (f), (g), or (h) of this section, if the offense was 176
committed in the vicinity of a school or in the vicinity of a 177
juvenile, trafficking in marihuana is a felony of the fourth 178
degree, and division (B) of section 2929.13 of the Revised Code 179
applies in determining whether to impose a prison term on the 180
offender. 181

(c) Except as otherwise provided in this division, if the 182
amount of the drug involved equals or exceeds two hundred grams 183
but is less than one thousand grams, trafficking in marihuana is 184
a felony of the fourth degree, and division (B) of section 185
2929.13 of the Revised Code applies in determining whether to 186
impose a prison term on the offender. If the amount of the drug 187
involved is within that range and if the offense was committed 188
in the vicinity of a school or in the vicinity of a juvenile, 189
trafficking in marihuana is a felony of the third degree, and 190
division (C) of section 2929.13 of the Revised Code applies in 191
determining whether to impose a prison term on the offender. 192

(d) Except as otherwise provided in this division, if the 193
amount of the drug involved equals or exceeds one thousand grams 194
but is less than five thousand grams, trafficking in marihuana 195

is a felony of the third degree, and division (C) of section 196
2929.13 of the Revised Code applies in determining whether to 197
impose a prison term on the offender. If the amount of the drug 198
involved is within that range and if the offense was committed 199
in the vicinity of a school or in the vicinity of a juvenile, 200
trafficking in marihuana is a felony of the second degree, and 201
there is a presumption that a prison term shall be imposed for 202
the offense. 203

(e) Except as otherwise provided in this division, if the 204
amount of the drug involved equals or exceeds five thousand 205
grams but is less than twenty thousand grams, trafficking in 206
marihuana is a felony of the third degree, and there is a 207
presumption that a prison term shall be imposed for the offense. 208
If the amount of the drug involved is within that range and if 209
the offense was committed in the vicinity of a school or in the 210
vicinity of a juvenile, trafficking in marihuana is a felony of 211
the second degree, and there is a presumption that a prison term 212
shall be imposed for the offense. 213

(f) Except as otherwise provided in this division, if the 214
amount of the drug involved equals or exceeds twenty thousand 215
grams but is less than forty thousand grams, trafficking in 216
marihuana is a felony of the second degree, and the court shall 217
impose a mandatory prison term of five, six, seven, or eight 218
years. If the amount of the drug involved is within that range 219
and if the offense was committed in the vicinity of a school or 220
in the vicinity of a juvenile, trafficking in marihuana is a 221
felony of the first degree, and the court shall impose as a 222
mandatory prison term the maximum prison term prescribed for a 223
felony of the first degree. 224

(g) Except as otherwise provided in this division, if the 225

amount of the drug involved equals or exceeds forty thousand 226
grams, trafficking in marihuana is a felony of the second 227
degree, and the court shall impose as a mandatory prison term 228
the maximum prison term prescribed for a felony of the second 229
degree. If the amount of the drug involved equals or exceeds 230
forty thousand grams and if the offense was committed in the 231
vicinity of a school or in the vicinity of a juvenile, 232
trafficking in marihuana is a felony of the first degree, and 233
the court shall impose as a mandatory prison term the maximum 234
prison term prescribed for a felony of the first degree. 235

(h) Except as otherwise provided in this division, if the 236
offense involves a gift of twenty grams or less of marihuana, 237
trafficking in marihuana is a minor misdemeanor upon a first 238
offense and a misdemeanor of the third degree upon a subsequent 239
offense. If the offense involves a gift of twenty grams or less 240
of marihuana and if the offense was committed in the vicinity of 241
a school or in the vicinity of a juvenile, trafficking in 242
marihuana is a misdemeanor of the third degree. 243

(4) If the drug involved in the violation is cocaine or a 244
compound, mixture, preparation, or substance containing cocaine, 245
whoever violates division (A) of this section is guilty of 246
trafficking in cocaine. The penalty for the offense shall be 247
determined as follows: 248

(a) Except as otherwise provided in division (C) (4) (b), 249
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 250
cocaine is a felony of the ~~fifth degree, and division (B) of~~ 251
~~section 2929.13 of the Revised Code applies in determining~~ 252
~~whether to impose a prison term on the offender~~ third degree and 253
the court shall impose as a mandatory prison term one of the 254
prison terms prescribed for a felony of the third degree. 255

(b) Except as otherwise provided in division (C) (4) (c), 256
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 257
committed in the vicinity of a school or in the vicinity of a 258
juvenile, trafficking in cocaine is a felony of the ~~fourth-~~ 259
second degree, and ~~division (C) of section 2929.13 of the~~ 260
~~Revised Code applies in determining whether to impose a prison-~~ 261
~~term on the offender~~ the court shall impose as a mandatory 262
prison term one of the prison terms prescribed for a felony of 263
the second degree. 264

(c) Except as otherwise provided in this division, if the 265
amount of the drug involved equals or exceeds five grams but is 266
less than ~~ten~~ twenty-seven grams of cocaine, trafficking in 267
cocaine is a felony of the ~~fourth~~ second degree, and ~~division-~~ 268
~~(B) of section 2929.13 of the Revised Code applies in-~~ 269
~~determining whether to impose a prison term for the offense~~ the 270
court shall impose as a mandatory prison term one of the prison 271
terms prescribed for a felony of the second degree. If the 272
amount of the drug involved is within that range and if the 273
offense was committed in the vicinity of a school or in the 274
vicinity of a juvenile, trafficking in cocaine is a felony of 275
the ~~third~~ second degree, and ~~there is a presumption for a prison-~~ 276
~~term for the offense~~ the court shall impose as a mandatory 277
prison term the maximum prison term prescribed for a felony of 278
the second degree. 279

(d) Except as otherwise provided in this division, if the 280
amount of the drug involved equals or exceeds ten grams but is 281
less than ~~twenty~~ twenty-seven grams of cocaine, trafficking in 282
cocaine is a felony of the ~~third degree~~, and, ~~except as-~~ 283
~~otherwise provided in this division, there is a presumption for-~~ 284
~~a prison term for the offense.~~ If trafficking in cocaine is a 285
~~felony of the third degree under this division and if the~~ 286

offender two or more times previously has been convicted of or 287
pleaded guilty to a felony drug abuse offense, trafficking in 288
cocaine is a felony of the first degree and the court shall 289
impose as a mandatory prison term one of the prison terms 290
prescribed for a felony of the ~~third~~first degree. If the amount 291
of the drug involved is within that range and if the offense was 292
committed in the vicinity of a school or in the vicinity of a 293
juvenile, ~~trafficking in cocaine is a felony of the second~~ 294
~~degree, and the court shall impose as a mandatory prison term~~ 295
~~one of the prison terms prescribed for a felony of the second~~ 296
~~degree.~~ 297

~~(c) Except as otherwise provided in this division, if the~~ 298
~~amount of the drug involved equals or exceeds twenty grams but~~ 299
~~is less than twenty seven grams of cocaine, trafficking in~~ 300
~~cocaine is a felony of the second degree, and the court shall~~ 301
~~impose as a mandatory prison term one of the prison terms~~ 302
~~prescribed for a felony of the second degree.~~ 303

~~If the amount of the drug involved is within that range~~ 304
~~and if the offense was committed in the vicinity of a school or~~ 305
~~in the vicinity of a juvenile, trafficking in cocaine is a~~ 306
~~felony of the first degree, and the court shall impose as a~~ 307
~~mandatory prison term one of the prison terms prescribed for a~~ 308
~~felony of the first degree.~~ 309

~~(f)~~(e) If the amount of the drug involved equals or 310
exceeds twenty-seven grams but is less than one hundred grams ~~of~~ 311
cocaine, regardless of whether the offender has previously been 312
convicted of or pleaded guilty to a felony drug abuse offense 313
and regardless of whether the offense was committed in the 314
vicinity of a school or in the vicinity of a juvenile, 315
trafficking in cocaine is a felony of the first degree, and the 316

court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 317
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~~(g)~~ (f) If the amount of the drug involved equals or exceeds one hundred grams ~~of cocaine,~~ regardless of whether the offender has previously been convicted of or pleaded guilty to a felony drug abuse offense and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. 319
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(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of trafficking in L.S.D. The penalty for the offense shall be determined as follows: 328
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(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), (f), or (g) of this section, trafficking in L.S.D. is a felony of the ~~fifth~~ third degree, and ~~division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender~~ the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 333
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(b) Except as otherwise provided in division (C) (5) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the ~~fourth~~ second degree, and ~~division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender~~ the court shall impose as a mandatory prison term one 340
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of the prison terms prescribed for a felony of the second 347
degree. 348

(c) Except as otherwise provided in this division, if the 349
amount of the drug involved equals or exceeds ten unit doses but 350
is less than ~~fifty-one thousand~~ unit doses of L.S.D. in a solid 351
form or equals or exceeds one gram but is less than ~~five-one~~ 352
hundred grams of L.S.D. in a liquid concentrate, liquid extract, 353
or liquid distillate form, trafficking in L.S.D. is a felony of 354
the ~~fourth~~ second degree, and ~~division (B) of section 2929.13 of~~ 355
~~the Revised Code applies in determining whether to impose a~~ 356
~~prison term for the offense~~ the court shall impose as a 357
mandatory prison term one of the prison terms prescribed for a 358
felony of the second degree. If the amount of the drug involved 359
~~is within that range~~ equals or exceeds ten unit doses but is 360
less than two hundred fifty unit doses of L.S.D. in solid form 361
or equals or exceeds one gram but is less than twenty-five grams 362
of L.S.D. in a liquid concentrate, liquid extract, or liquid 363
distillate form, and if the offense was committed in the 364
vicinity of a school or in the vicinity of a juvenile, 365
trafficking in L.S.D. is a felony of the ~~third~~ second degree, 366
and ~~there is a presumption for a prison term for the offense~~ the 367
court shall impose as a mandatory prison term the maximum prison 368
term prescribed for a felony of the second degree. 369

(d) Except as otherwise provided in this division, if the 370
amount of the drug involved equals or exceeds fifty unit doses 371
but is less than ~~two hundred fifty-one thousand~~ unit doses of 372
L.S.D. in a solid form or equals or exceeds five grams but is 373
less than ~~twenty-five~~ one hundred grams of L.S.D. in a liquid 374
concentrate, liquid extract, or liquid distillate form, 375
~~trafficking in L.S.D. is a felony of the third degree, and,~~ 376
~~except as otherwise provided in this division, there is a~~ 377

~~presumption for a prison term for the offense. If trafficking in L.S.D. 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, trafficking in L.S.D. is a felony of the first degree and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the ~~third~~first degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, ~~trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.~~~~

(e) Except as otherwise provided in this division, if the amount of the drug 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, ~~trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.~~

(f) If the amount of the drug 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, 409
regardless of whether the offender has previously been convicted 410
of or pleaded guilty to a felony drug abuse offense and 411
regardless of whether the offense was committed in the vicinity 412
of a school or in the vicinity of a juvenile, trafficking in 413
L.S.D. is a felony of the first degree, and the court shall 414
impose as a mandatory prison term one of the prison terms 415
prescribed for a felony of the first degree. 416

(g) If the amount of the drug involved equals or exceeds 417
five thousand unit doses of L.S.D. in a solid form or equals or 418
exceeds five hundred grams of L.S.D. in a liquid concentrate, 419
liquid extract, or liquid distillate form, regardless of whether 420
the offender has previously been convicted of or pleaded guilty 421
to a felony drug abuse offense and regardless of whether the 422
offense was committed in the vicinity of a school or in the 423
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 424
first degree, the offender is a major drug offender, and the 425
court shall impose as a mandatory prison term the maximum prison 426
term prescribed for a felony of the first degree. 427

(6) If the drug involved in the violation is heroin or a 428
compound, mixture, preparation, or substance containing heroin, 429
whoever violates division (A) of this section is guilty of 430
trafficking in heroin. The penalty for the offense shall be 431
determined as follows: 432

(a) Except as otherwise provided in division (C) (6) (b), 433
(c), or (d), ~~(e), (f), or (g)~~ of this section, trafficking in 434
heroin is a felony of the ~~fifth~~ third degree, and ~~division (B)~~ 435
~~of section 2929.13 of the Revised Code applies in determining~~ 436
~~whether to impose a prison term on the offender~~ the court shall 437
impose as a mandatory prison term one of the prison terms 438

prescribed for a felony of the third degree. 439

(b) Except as otherwise provided in division (C) (6) (c) ~~7~~ or 440
(d) ~~, (e), (f), or (g)~~ of this section, if the offense was 441
committed in the vicinity of a school or in the vicinity of a 442
juvenile, trafficking in heroin is a felony of the ~~fourth~~ second 443
degree, and ~~division (C) of section 2929.13 of the Revised Code~~ 444
~~applies in determining whether to impose a prison term on the~~ 445
~~offender the court shall impose as a mandatory prison term one~~ 446
~~of the prison terms prescribed for a felony of the second~~ 447
~~degree.~~ 448

(c) Except as otherwise provided in this division, if the 449
amount of the drug involved equals or exceeds ten unit doses but 450
is less than fifty unit doses or equals or exceeds one gram but 451
is less than five grams, trafficking in heroin is a felony of 452
the ~~fourth~~ degree, and ~~division (B) of section 2929.13 of the~~ 453
~~Revised Code applies in determining whether to impose a prison~~ 454
~~term for the offense~~ second degree and the court shall impose as 455
a mandatory prison term one of the prison terms prescribed for a 456
felony of the second degree. If the amount of the drug involved 457
is within that range and if the offense was committed in the 458
vicinity of a school or in the vicinity of a juvenile, 459
trafficking in heroin is a felony of the ~~third~~ second degree, 460
and ~~there is a presumption for a prison term for the offense~~ the 461
court shall impose as a mandatory prison term the maximum prison 462
term prescribed for a felony of the second degree. 463

(d) ~~Except as otherwise provided in this division, if~~ If 464
the amount of the drug involved equals or exceeds fifty unit 465
doses ~~but is less than one hundred unit doses~~ or equals or 466
exceeds five grams ~~but is less than ten grams~~, trafficking in 467
heroin is a felony of the ~~third~~ degree, and ~~there is a~~ 468

~~presumption for a prison term for the offense. If the amount of
the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in heroin is a felony of the second
degree, and there is a presumption for a prison term for the
offense.~~

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

~~(f) If the amount of the drug involved equals or exceeds
five hundred unit doses but is less than one thousand unit doses
or equals or exceeds fifty grams but is less than one hundred
grams and regardless of whether the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
trafficking in heroin is a felony of the first degree, and the
court shall impose as a mandatory prison term one of the prison
terms prescribed for a felony of the first degree.~~

~~(g) If the amount of the drug involved equals or exceeds
one thousand unit doses or equals or exceeds one hundred grams
and regardless of whether the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,~~

trafficking in heroin is a felony of the first degree, the 499
offender is a major drug offender, and the court shall impose as 500
a mandatory prison term the maximum prison term prescribed for a 501
felony of the first degree. 502

(7) If the drug involved in the violation is hashish or a 503
compound, mixture, preparation, or substance containing hashish, 504
whoever violates division (A) of this section is guilty of 505
trafficking in hashish. The penalty for the offense shall be 506
determined as follows: 507

(a) Except as otherwise provided in division (C) (7) (b), 508
(c), or (d), ~~(e), (f), or (g)~~ of this section, trafficking in 509
hashish is a felony of the ~~fifth~~ third degree, and ~~division (B) of~~ 510
~~section 2929.13 of the Revised Code applies in determining~~ 511
~~whether to impose a prison term on the offender~~ the court shall 512
impose as a mandatory prison term one of the prison terms 513
prescribed for a felony of the third degree. 514

(b) Except as otherwise provided in division (C) (7) (c) ~~7~~ or 515
(d), ~~(e), (f), or (g)~~ of this section, if the offense was 516
committed in the vicinity of a school or in the vicinity of a 517
juvenile, trafficking in hashish is a felony of the ~~fourth~~ 518
second degree, and ~~division (B) of section 2929.13 of the~~ 519
~~Revised Code applies in determining whether to impose a prison~~ 520
~~term on the offender~~ the court shall impose as a mandatory 521
prison term one of the prison terms prescribed for a felony of 522
the second degree. 523

(c) Except as otherwise provided in this division, if the 524
amount of the drug involved equals or exceeds ten grams but is 525
less than ~~fifty~~ one thousand grams of hashish in a solid form or 526
equals or exceeds two grams but is less than ~~ten~~ two hundred 527
grams of hashish in a liquid concentrate, liquid extract, or 528

liquid distillate form, trafficking in hashish is a felony of 529
the ~~fourth~~ second degree, and ~~division (B) of section 2929.13 of~~ 530
~~the Revised Code applies in determining whether to impose a~~ 531
~~prison term on the offender~~ the court shall impose as a 532
mandatory prison term one of the prison terms prescribed for a 533
felony of the second degree. If the amount of the drug involved 534
is within that range and if the offense was committed in the 535
vicinity of a school or in the vicinity of a juvenile, 536
trafficking in hashish is a felony of the ~~third~~ second degree, 537
and ~~division (C) of section 2929.13 of the Revised Code applies~~ 538
~~in determining whether to impose a prison term on the offender~~ 539
the court shall impose as a mandatory prison term the maximum 540
prison term prescribed for a felony of the second degree. 541

(d) ~~Except as otherwise provided in this division, if the~~ 542
~~amount of the drug involved equals or exceeds fifty grams but is~~ 543
~~less than two hundred fifty grams of hashish in a solid form or~~ 544
~~equals or exceeds ten grams but is less than fifty grams of~~ 545
~~hashish in a liquid concentrate, liquid extract, or liquid~~ 546
~~distillate form, trafficking in hashish is a felony of the third~~ 547
~~degree, and division (C) of section 2929.13 of the Revised Code~~ 548
~~applies in determining whether to impose a prison term on the~~ 549
~~offender. If the amount of the drug involved is within that~~ 550
~~range and if the offense was committed in the vicinity of a~~ 551
~~school or in the vicinity of a juvenile, trafficking in hashish~~ 552
~~is a felony of the second degree, and there is a presumption~~ 553
~~that a prison term shall be imposed for the offense.~~ 554

(e) ~~Except as otherwise provided in this division, if the~~ 555
~~amount of the drug involved equals or exceeds two hundred fifty~~ 556
~~grams but is less than one thousand grams of hashish in a solid~~ 557
~~form or equals or exceeds fifty grams but is less than two~~ 558
~~hundred grams of hashish in a liquid concentrate, liquid~~ 559

~~extract, or liquid distillate form, trafficking in hashish is a~~ 560
~~felony of the third degree, and there is a presumption that a~~ 561
~~prison term shall be imposed for the offense. If the amount of~~ 562
~~the drug involved is within that range and if the offense was~~ 563
~~committed in the vicinity of a school or in the vicinity of a~~ 564
~~juvenile, trafficking in hashish is a felony of the second~~ 565
~~degree, and there is a presumption that a prison term shall be~~ 566
~~imposed for the offense.~~ 567

~~(f) Except as otherwise provided in this division, if~~ 568
~~the amount of the drug involved equals or exceeds one thousand~~ 569
~~grams but is less than two thousand grams of hashish in a solid~~ 570
~~form or equals or exceeds two hundred grams but is less than~~ 571
~~four hundred grams of hashish in a liquid concentrate, liquid~~ 572
~~extract, or liquid distillate form, trafficking in hashish is a~~ 573
~~felony of the second degree, and the court shall impose a~~ 574
~~mandatory prison term of five, six, seven, or eight years. If~~ 575
~~the amount of the drug involved is within that range and if the~~ 576
~~offense was committed in the vicinity of a school or in the~~ 577
~~vicinity of a juvenile, trafficking in hashish is a felony of~~ 578
~~the first degree, and the court shall impose as a mandatory~~ 579
~~prison term the maximum prison term prescribed for a felony of~~ 580
~~the first degree.~~ 581

~~(g) Except as otherwise provided in this division, if the~~ 582
~~amount of the drug involved equals or exceeds two thousand grams~~ 583
~~of hashish in a solid form or equals or exceeds four hundred~~ 584
~~grams of hashish in a liquid concentrate, liquid extract, or~~ 585
~~liquid distillate form, trafficking in hashish is a felony of~~ 586
~~the second degree, and the court shall impose as a mandatory~~ 587
~~prison term the maximum prison term prescribed for a felony of~~ 588
~~the second degree. If the amount of the drug involved equals or~~ 589
~~exceeds two thousand grams of hashish in a solid form or equals~~ 590

~~or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.~~ 591-597

(8) If the drug involved in the violation is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of trafficking in a controlled substance analog. The penalty for the offense shall be determined as follows: 598-603

(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in a controlled substance analog is a felony of the ~~fourth~~ 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~~ the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 604-610

(b) Except as otherwise provided in division (C) (8) (c), (d), (e), or (f), ~~or (g)~~ of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the ~~fourth~~ second degree, and ~~division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender~~ the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 611-619

(c) Except as otherwise provided in this division, if the 620

amount of the drug involved equals or exceeds ten grams but is 621
less than ~~twenty~~forty grams, trafficking in a controlled 622
substance analog is a felony of the ~~fourth~~second degree, and 623
~~division (B) of section 2929.13 of the Revised Code applies in~~ 624
~~determining whether to impose a prison term for the offense~~ the 625
court shall impose as a mandatory sentence one of the prison 626
terms prescribed for a felony of the second degree. If the 627
amount of the drug involved ~~is within that range~~ equals or 628
exceeds ten grams but is less than thirty grams and if the 629
offense was committed in the vicinity of a school or in the 630
vicinity of a juvenile, trafficking in a controlled substance 631
analog is a felony of the ~~third~~second degree, and ~~there is a~~ 632
~~presumption for a prison term for the offense~~ the court shall 633
impose as a mandatory prison term the maximum prison term 634
prescribed for a felony of the second degree. 635

(d) ~~Except as otherwise provided in this division, if the~~ 636
~~amount of the drug involved equals or exceeds twenty grams but~~ 637
~~is less than thirty grams, trafficking in a controlled substance~~ 638
~~analog is a felony of the third degree, and there is a~~ 639
~~presumption for a prison term for the offense. If the amount of~~ 640
~~the drug involved is within that range and if the offense was~~ 641
~~committed in the vicinity of a school or in the vicinity of a~~ 642
~~juvenile, trafficking in a controlled substance analog is a~~ 643
~~felony of the second degree, and there is a presumption for a~~ 644
~~prison term for the offense.~~ 645

(e) ~~Except as otherwise provided in this division, if the~~ 646
amount of the drug involved equals or exceeds thirty grams but 647
is less than forty grams, ~~trafficking in a controlled substance~~ 648
~~analog is a felony of the second degree, and the court shall~~ 649
~~impose as a mandatory prison term one of the prison terms~~ 650
~~prescribed for a felony of the second degree. If the amount of~~ 651

~~the drug involved is within that range~~ and if the offense was 652
committed in the vicinity of a school or in the vicinity of a 653
juvenile, trafficking in a controlled substance analog is a 654
felony of the first degree, and the court shall impose as a 655
mandatory prison term one of the prison terms prescribed for a 656
felony of the first degree. 657

~~(f)~~ (e) If the amount of the drug involved equals or 658
exceeds forty grams but is less than fifty grams and regardless 659
of whether the offense was committed in the vicinity of a school 660
or in the vicinity of a juvenile, trafficking in a controlled 661
substance analog is a felony of the first degree, and the court 662
shall impose as a mandatory prison term one of the prison terms 663
prescribed for a felony of the first degree. 664

~~(g)~~ (f) If the amount of the drug involved equals or 665
exceeds fifty grams and regardless of whether the offense was 666
committed in the vicinity of a school or in the vicinity of a 667
juvenile, trafficking in a controlled substance analog is a 668
felony of the first degree, the offender is a major drug 669
offender, and the court shall impose as a mandatory prison term 670
the maximum prison term prescribed for a felony of the first 671
degree. 672

(D) In addition to any prison term authorized or required 673
by division (C) of this section and sections 2929.13 and 2929.14 674
of the Revised Code, and in addition to any other sanction 675
imposed for the offense under this section or sections 2929.11 676
to 2929.18 of the Revised Code, the court that sentences an 677
offender who is convicted of or pleads guilty to a violation of 678
division (A) of this section may suspend the driver's or 679
commercial driver's license or permit of the offender in 680
accordance with division (G) of this section. However, if the 681

offender pleaded guilty to or was convicted of a violation of 682
section 4511.19 of the Revised Code or a substantially similar 683
municipal ordinance or the law of another state or the United 684
States arising out of the same set of circumstances as the 685
violation, the court shall suspend the offender's driver's or 686
commercial driver's license or permit in accordance with 687
division (G) of this section. If applicable, the court also 688
shall do the following: 689

(1) If the violation of division (A) of this section is a 690
felony of the first, second, or third degree, the court shall 691
impose upon the offender the mandatory fine specified for the 692
offense under division (B)(1) of section 2929.18 of the Revised 693
Code unless, as specified in that division, the court determines 694
that the offender is indigent. Except as otherwise provided in 695
division (H)(1) of this section, a mandatory fine or any other 696
fine imposed for a violation of this section is subject to 697
division (F) of this section. If a person is charged with a 698
violation of this section that is a felony of the first, second, 699
or third degree, posts bail, and forfeits the bail, the clerk of 700
the court shall pay the forfeited bail pursuant to divisions (D) 701
(1) and (F) of this section, as if the forfeited bail was a fine 702
imposed for a violation of this section. If any amount of the 703
forfeited bail remains after that payment and if a fine is 704
imposed under division (H)(1) of this section, the clerk of the 705
court shall pay the remaining amount of the forfeited bail 706
pursuant to divisions (H)(2) and (3) of this section, as if that 707
remaining amount was a fine imposed under division (H)(1) of 708
this section. 709

(2) If the offender is a professionally licensed person, 710
the court immediately shall comply with section 2925.38 of the 711
Revised Code. 712

(E) When a person is charged with the sale of or offer to 713
sell a bulk amount or a multiple of a bulk amount of a 714
controlled substance, the jury, or the court trying the accused, 715
shall determine the amount of the controlled substance involved 716
at the time of the offense and, if a guilty verdict is returned, 717
shall return the findings as part of the verdict. In any such 718
case, it is unnecessary to find and return the exact amount of 719
the controlled substance involved, and it is sufficient if the 720
finding and return is to the effect that the amount of the 721
controlled substance involved is the requisite amount, or that 722
the amount of the controlled substance involved is less than the 723
requisite amount. 724

(F) (1) Notwithstanding any contrary provision of section 725
3719.21 of the Revised Code and except as provided in division 726
(H) of this section, the clerk of the court shall pay any 727
mandatory fine imposed pursuant to division (D) (1) of this 728
section and any fine other than a mandatory fine that is imposed 729
for a violation of this section pursuant to division (A) or (B) 730
(5) of section 2929.18 of the Revised Code to the county, 731
township, municipal corporation, park district, as created 732
pursuant to section 511.18 or 1545.04 of the Revised Code, or 733
state law enforcement agencies in this state that primarily were 734
responsible for or involved in making the arrest of, and in 735
prosecuting, the offender. However, the clerk shall not pay a 736
mandatory fine so imposed to a law enforcement agency unless the 737
agency has adopted a written internal control policy under 738
division (F) (2) of this section that addresses the use of the 739
fine moneys that it receives. Each agency shall use the 740
mandatory fines so paid to subsidize the agency's law 741
enforcement efforts that pertain to drug offenses, in accordance 742
with the written internal control policy adopted by the 743

recipient agency under division (F) (2) of this section. 744

(2) Prior to receiving any fine moneys under division (F) 745
(1) of this section or division (B) of section 2925.42 of the 746
Revised Code, a law enforcement agency shall adopt a written 747
internal control policy that addresses the agency's use and 748
disposition of all fine moneys so received and that provides for 749
the keeping of detailed financial records of the receipts of 750
those fine moneys, the general types of expenditures made out of 751
those fine moneys, and the specific amount of each general type 752
of expenditure. The policy shall not provide for or permit the 753
identification of any specific expenditure that is made in an 754
ongoing investigation. All financial records of the receipts of 755
those fine moneys, the general types of expenditures made out of 756
those fine moneys, and the specific amount of each general type 757
of expenditure by an agency are public records open for 758
inspection under section 149.43 of the Revised Code. 759
Additionally, a written internal control policy adopted under 760
this division is such a public record, and the agency that 761
adopted it shall comply with it. 762

(3) As used in division (F) of this section: 763

(a) "Law enforcement agencies" includes, but is not 764
limited to, the state board of pharmacy and the office of a 765
prosecutor. 766

(b) "Prosecutor" has the same meaning as in section 767
2935.01 of the Revised Code. 768

(G) (1) If the sentencing court suspends the offender's 769
driver's or commercial driver's license or permit under division 770
(D) of this section or any other provision of this chapter, the 771
court shall suspend the license, by order, for not more than 772

five years. If an offender's driver's or commercial driver's 773
license or permit is suspended pursuant to this division, the 774
offender, at any time after the expiration of two years from the 775
day on which the offender's sentence was imposed or from the day 776
on which the offender finally was released from a prison term 777
under the sentence, whichever is later, may file a motion with 778
the sentencing court requesting termination of the suspension; 779
upon the filing of such a motion and the court's finding of good 780
cause for the termination, the court may terminate the 781
suspension. 782

(2) Any offender who received a mandatory suspension of 783
the offender's driver's or commercial driver's license or permit 784
under this section prior to ~~the effective date of this amendment~~ 785
September 13, 2016, may file a motion with the sentencing court 786
requesting the termination of the suspension. However, an 787
offender who pleaded guilty to or was convicted of a violation 788
of section 4511.19 of the Revised Code or a substantially 789
similar municipal ordinance or law of another state or the 790
United States that arose out of the same set of circumstances as 791
the violation for which the offender's license or permit was 792
suspended under this section shall not file such a motion. 793

Upon the filing of a motion under division (G)(2) of this 794
section, the sentencing court, in its discretion, may terminate 795
the suspension. 796

(H)(1) In addition to any prison term authorized or 797
required by division (C) of this section and sections 2929.13 798
and 2929.14 of the Revised Code, in addition to any other 799
penalty or sanction imposed for the offense under this section 800
or sections 2929.11 to 2929.18 of the Revised Code, and in 801
addition to the forfeiture of property in connection with the 802

offense as prescribed in Chapter 2981. of the Revised Code, the 803
court that sentences an offender who is convicted of or pleads 804
guilty to a violation of division (A) of this section may impose 805
upon the offender an additional fine specified for the offense 806
in division (B) (4) of section 2929.18 of the Revised Code. A 807
fine imposed under division (H) (1) of this section is not 808
subject to division (F) of this section and shall be used solely 809
for the support of one or more eligible community addiction 810
services providers in accordance with divisions (H) (2) and (3) 811
of this section. 812

(2) The court that imposes a fine under division (H) (1) of 813
this section shall specify in the judgment that imposes the fine 814
one or more eligible community addiction services providers for 815
the support of which the fine money is to be used. No community 816
addiction services provider shall receive or use money paid or 817
collected in satisfaction of a fine imposed under division (H) 818
(1) of this section unless the services provider is specified in 819
the judgment that imposes the fine. No community addiction 820
services provider shall be specified in the judgment unless the 821
services provider is an eligible community addiction services 822
provider and, except as otherwise provided in division (H) (2) of 823
this section, unless the services provider is located in the 824
county in which the court that imposes the fine is located or in 825
a county that is immediately contiguous to the county in which 826
that court is located. If no eligible community addiction 827
services provider is located in any of those counties, the 828
judgment may specify an eligible community addiction services 829
provider that is located anywhere within this state. 830

(3) Notwithstanding any contrary provision of section 831
3719.21 of the Revised Code, the clerk of the court shall pay 832
any fine imposed under division (H) (1) of this section to the 833

eligible community addiction services provider specified 834
pursuant to division (H) (2) of this section in the judgment. The 835
eligible community addiction services provider that receives the 836
fine moneys shall use the moneys only for the alcohol and drug 837
addiction services identified in the application for 838
certification of services under section 5119.36 of the Revised 839
Code or in the application for a license under section 5119.391 840
of the Revised Code filed with the department of mental health 841
and addiction services by the community addiction services 842
provider specified in the judgment. 843

(4) Each community addiction services provider that 844
receives in a calendar year any fine moneys under division (H) 845
(3) of this section shall file an annual report covering that 846
calendar year with the court of common pleas and the board of 847
county commissioners of the county in which the services 848
provider is located, with the court of common pleas and the 849
board of county commissioners of each county from which the 850
services provider received the moneys if that county is 851
different from the county in which the services provider is 852
located, and with the attorney general. The community addiction 853
services provider shall file the report no later than the first 854
day of March in the calendar year following the calendar year in 855
which the services provider received the fine moneys. The report 856
shall include statistics on the number of persons served by the 857
community addiction services provider, identify the types of 858
alcohol and drug addiction services provided to those persons, 859
and include a specific accounting of the purposes for which the 860
fine moneys received were used. No information contained in the 861
report shall identify, or enable a person to determine the 862
identity of, any person served by the community addiction 863
services provider. Each report received by a court of common 864

pleas, a board of county commissioners, or the attorney general 865
is a public record open for inspection under section 149.43 of 866
the Revised Code. 867

(5) As used in divisions (H) (1) to (5) of this section: 868

(a) "Community addiction services provider" and "alcohol 869
and drug addiction services" have the same meanings as in 870
section 5119.01 of the Revised Code. 871

(b) "Eligible community addiction services provider" means 872
a community addiction services provider, as defined in section 873
5119.01 of the Revised Code, or a community addiction services 874
provider that maintains a methadone treatment program licensed 875
under section 5119.391 of the Revised Code. 876

(I) As used in this section, "drug" includes any substance 877
that is represented to be a drug. 878

(J) It is an affirmative defense to a charge of 879
trafficking in a controlled substance analog under division (C) 880
(8) of this section that the person charged with violating that 881
offense sold or offered to sell, or prepared for shipment, 882
shipped, transported, delivered, prepared for distribution, or 883
distributed an item described in division (HH) (2) (a), (b), or 884
(c) of section 3719.01 of the Revised Code. 885

Section 2. That existing section 2925.03 of the Revised 886
Code is hereby repealed. 887

Section 3. The amendments to section 2925.03 of the 888
Revised Code by this act shall be known as the "Drug Trafficking 889
Deterrence Act." 890

Section 4. Section 2925.03 of the Revised Code is 891
presented in this act as a composite of the section as amended 892

by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 893
131st General Assembly. The General Assembly, applying the 894
principle stated in division (B) of section 1.52 of the Revised 895
Code that amendments are to be harmonized if reasonably capable 896
of simultaneous operation, finds that the composite is the 897
resulting version of the section in effect prior to the 898
effective date of the section as presented in this act. 899