

**As Reported by the Senate Criminal Justice Committee**

**131st General Assembly**

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**H. B. No. 171**

**Representatives Blessing, Dever**

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

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

felony of the second degree. 75

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

offender. 315

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

term on the offender. 972

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

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

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

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

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

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows: 1004  
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(a) Except as otherwise provided in division (C) (6) (b), (c), (d), (e), or (f) of this section, possession of heroin 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. 1009  
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(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1014  
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(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. 1020  
1021  
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(d) 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, possession of 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. 1025  
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(e) If the amount of the drug involved equals or exceeds 1031  
five hundred unit doses but is less than ~~two one thousand five~~ 1032  
~~hundred~~ unit doses or equals or exceeds fifty grams but is less 1033  
than ~~two one~~ hundred ~~fifty~~ grams, possession of heroin is a 1034  
felony of the first degree, and the court shall impose as a 1035  
mandatory prison term one of the prison terms prescribed for a 1036  
felony of the first degree. 1037

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 2929.01.** As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

premises as authorized by the sentencing court or by the parole board. 1294  
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(2) The offender is required to report periodically to a person designated by the court or parole board. 1296  
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(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board. 1298  
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(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision. 1301  
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(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state. 1311  
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(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction. 1316  
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(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) 1321  
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of section 1547.99 of the Revised Code, division (E) of section 1323  
2903.06 or division (D) of section 2903.08 of the Revised Code, 1324  
division (E) or (G) of section 2929.24 of the Revised Code, 1325  
division (B) of section 4510.14 of the Revised Code, or division 1326  
(G) of section 4511.19 of the Revised Code or pursuant to any 1327  
other provision of the Revised Code that requires a term in a 1328  
jail for a misdemeanor conviction. 1329

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A stated prison term; 1398

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

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

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

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

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

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

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

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

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

programming pursuant to those sections. 1440

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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