



Ohio Legislative Service Commission

Final Analysis

Dennis M. Papp

H.B. 171

131st General Assembly
(As Passed by the General Assembly)

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

Sens. Coley, Eklund, Hughes, LaRose, Obhof, Oelslager, Patton, Uecker, Yuko

Effective date: September 14, 2016

ACT SUMMARY

- Reduces the amount of heroin that must be trafficked or possessed to require the imposition of the maximum prison term for a first degree felony upon a major drug offender.

CONTENT AND OPERATION

The act reduces the amount of heroin that must be trafficked or possessed in order for an offender to be classified as a major drug offender and to be subject to enhanced penalties. Formerly, a person who trafficked or possessed 500 or more but less than 2,500 unit doses of heroin, or 50 or more but less than 250 grams of heroin, committed a first degree felony. The court was required to impose a mandatory prison term within the range for a first degree felony (a definite term of 3 to 11 years). If the amount of heroin involved equaled or exceeded 2,500 unit doses or 250 grams, the offense still was a first degree felony, but the offender was classified a major drug offender and the court was required to impose the maximum prison term (11 years).

The act reduces the upper limits to 1,000 unit doses or 100 grams for the penalty range that does not classify the offender as a major drug offender, and makes the same reduction in the amount that determines status as, and the definition of, a "major drug

offender."¹ Therefore, under the act, a person who traffics or possesses 1,000 unit doses or 100 grams of heroin or more is a major drug offender and must receive the maximum prison term of 11 years.

	Amount of heroin trafficked or possessed	
	Prior law	The act
First degree felony, <u>not</u> a major drug offender classification	500 or more, but less than 2,500, unit doses or 50 or more, but less than 250, grams	500 or more, but less than 1,000, unit doses or 50 or more, but less than 100, grams
First degree felony, major drug offender classification, mandatory maximum 11-year prison term	2,500 or more unit doses or 250 or more grams	1,000 or more unit doses or 100 or more grams

HISTORY

ACTION

DATE

Introduced	04-28-15
Reported, H. Judiciary	05-27-15
Passed by House (82-16)	06-17-15
Reported, S. Criminal Justice	05-25-16
Passed Senate (28-5)	05-25-16

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¹ R.C. 2925.03(C)(6)(f) and (g), 2925.11(C)(6)(e) and (f), and 2929.01(W); also R.C. 2929.14(B)(3), not in the act.

