



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

Sub. H.B. 296*

132nd General Assembly
(As Reported by H. Criminal Justice)

Reps. Gavarone, Wiggam, Riedel, Lipps, R. Smith, Ryan, Sprague, Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton

BILL SUMMARY

- Enhances the penalties for certain drug trafficking offenses when committed on the premises or within 1,000 feet of a community addiction services provider if the offender recklessly disregards whether the offense is being committed within that vicinity.
 - Sets the new penalty enhancements at the same level as existing penalty enhancements for drug trafficking offenses committed in the vicinity of a school or juvenile.
-

CONTENT AND OPERATION

Penalty enhancement for drug offenses committed near treatment centers

The bill enhances the penalties for trafficking in Schedule I and Schedule II controlled substances, with the exception of marijuana, when committed in the vicinity of a community addiction services provider. The bill's penalty enhancements apply to the following drug trafficking offenses:¹

- Aggravated trafficking in drugs;
- Trafficking in cocaine;

* This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ R.C. 2925.03(C)(1) and (4) to (8).

- Trafficking in L.S.D.;
- Trafficking in heroin;
- Trafficking in hashish;
- Trafficking in a controlled substance analog.

The penalty enhancements are equivalent to existing penalty enhancements for the same drug offenses when committed in the vicinity of a school or juvenile. The specific penalties vary according to the particular type of controlled substance and amount of the controlled substance involved. For example, under current law, aggravated trafficking of less than 20 grams of certain Schedule I or Schedule II controlled substances is generally a fourth degree felony, but becomes a third degree felony when committed in the vicinity of a school or juvenile. Under the bill, aggravated trafficking in that amount is also a third degree felony when committed in the vicinity of a community addiction services provider.²

For purposes of the bill, an offense is "committed in the vicinity of a community addiction services provider" if the offender commits the offense on the premises or within 1,000 feet of a community addiction services provider, including a facility licensed to provide methadone treatment, when the offender recklessly disregards whether the offense is being committed within that vicinity. A "community addiction services provider" is defined in existing law as an organization that provides alcohol and drug addiction services certified by the Department of Mental Health and Addiction Services, gambling addiction services, or recovery supports related to those services.³

HISTORY

ACTION	DATE
Introduced	06-28-17
Reported, H. Criminal Justice	---

H0296-RH-132.docx/ar

² R.C. 2925.03(C)(1)(a) and (b).

³ R.C. 2925.01(LL) and (MM), by reference to R.C. 5119.01, not in the bill.

