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S.B. 25
134th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsor: Sen. Gavarone

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SUMMARY

Penalty enhancement for drug offenses committed near treatment centers or recovering addicts

- Enhances the penalties for most drug trafficking offenses in either of the following circumstances:
 - The offender commits the offense on the premises of a substance addiction services provider's facility, or within 500 feet of the premises of such a provider's facility, if the offender knows or should know that the offense is being committed within that vicinity.
 - The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person in treatment at the time of the offense or within 30 days prior to the offense from a substance addiction services provider and the offender knows that the person is or was in treatment.
- Sets the new penalty enhancements at the same level as existing penalty enhancements for the same drug trafficking offenses when committed in the vicinity of a school or juvenile.

Sexual Assault Prevention Awareness Month

- Designates April as "Sexual Assault Prevention Awareness Month."

Relapse Reduction Act

- Names its provisions the "Relapse Reduction Act."

DETAILED ANALYSIS

Penalty enhancement for drug offenses committed near treatment centers or recovering addicts

The bill generally enhances the penalties for trafficking in any Schedule I or II controlled substance, with the exception of marihuana or, in limited circumstances, a fentanyl-related compound combined with marihuana, when the offense is “committed in the vicinity of a substance addiction services provider or a recovering addict.” The bill does not apply the enhancement to trafficking in a Schedule III, IV, or V controlled substance or trafficking in marihuana. The bill’s penalty enhancements apply to the following drug trafficking offenses:¹

- Aggravated trafficking in drugs (the drug involved in this offense is a Schedule I or II controlled substance other than marihuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance analog);
- Trafficking in cocaine;
- Trafficking in L.S.D.;
- Trafficking in heroin;
- Trafficking in hashish;
- Trafficking in a controlled substance analog;
- Trafficking in a fentanyl-related compound (unless the fentanyl-related compound is combined with marihuana and the offender does not know or have reason to know that the mixture contains a fentanyl-related compound, in which case the offense is treated as trafficking in marihuana).

The bill’s penalty enhancements are equivalent to existing penalty enhancements for the same drug offenses when committed in the vicinity of a school or juvenile (but note that for some of the offenses, when a specified large amount of the drug is involved, the commission of the offense in the vicinity of a school, a juvenile, or a substance addiction services provider or a recovering addict does not result in an enhanced penalty under current law or the bill). The specific penalties and enhancements vary according to the particular type of controlled substance and amount of the controlled substance involved.² For example, under current law, if the amount of the drug involved in the offense of aggravated trafficking in drugs is less than 20 grams (the bulk amount), the offense 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

¹ R.C. 2925.03(C)(1) and (4) to (9).

² R.C. 2925.03(C)(1) and (4) to (9).

trafficking in that amount is also a third degree felony when committed in the vicinity of a substance addiction services provider or a recovering addict.³

For purposes of the bill, an offense is “committed in the vicinity of a substance addiction services provider or a recovering addict” if:⁴ (1) the offender commits the offense on the premises of a substance addiction services provider’s facility, including a facility licensed to provide methadone treatment under the law in effect until June 29, 2019, or an opioid treatment program licensed under the law that will take effect on that date, or within 500 feet of the premises of a substance addiction services provider’s facility, and the offender knows or should know that the offense is being committed within that vicinity, or (2) the offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

Under the bill, relevant to the meaning of “committed in the vicinity of a substance addiction services provider or a recovering addict”:⁵

“Substance addiction services provider” means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility: (1) either alcohol addiction services, or drug addiction services, or both such services that are certified by the Director of Mental Health and Addiction Services under a specified provision of existing law, or (2) recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

“Premises of a substance addiction services provider’s facility” means the parcel of real property on which any substance addiction service provider’s facility is situated.

“Alcohol and drug addiction services” means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.

Sexual Assault Prevention Awareness Month

Designation	Sexual Assault Prevention Awareness Month ⁶
Date	The month of April

³ R.C. 2925.03(C)(1)(a) and (b).

⁴ R.C. 2925.01(QQ).

⁵ R.C. 2925.01(RR) to (TT) and, by reference R.C. 5119.01, not in the bill.

⁶ R.C. 5.248.

Relapse Reduction Act

The bill specifies that its provisions are to be known as the “Relapse Reduction Act.”⁷

HISTORY

Action	Date
Introduced	01-26-21
Reported, S. Judiciary	06-17-21
Passed Senate (29-1)	09-15-21
Reported, H. Criminal Justice	03-30-22

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⁷ Section 3.