



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Dennis M. Papp

### **Sub. H.B. 296**

132nd General Assembly  
(As Passed by the House)

**Reps.** Gavarone, Wiggam, Riedel, Lipps, R. Smith, Ryan, Sprague, Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton, Manning, Rezabek, Lang, Anielski, Antani, Antonio, Faber, Ginter, Green, Greenspan, Hambley, Hughes, Johnson, Koehler, Landis, Lanese, Leland, Miller, Perales, Reineke, Rogers, Romanchuk, Schaffer, Scherer, Slaby, Stein, Sweeney, West, Wilkin, Young

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## **BILL SUMMARY**

- Enhances the penalties for most drug trafficking offenses when committed on the premises of, 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 the same drug trafficking offenses when committed in the vicinity of a school or juvenile.

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## **CONTENT AND OPERATION**

### **Penalty enhancement for drug offenses committed near treatment centers**

The bill enhances the penalties for trafficking in any Schedule I or Schedule II controlled substance, with the exception of marihuana, when the offense is "committed in the vicinity of a community addiction services provider" (see **COMMENT**). The bill's penalty enhancements apply to the following drug trafficking offenses:<sup>1</sup>

- 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, hashish, or a controlled substance analog);

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<sup>1</sup> R.C. 2925.03(C)(1) and (4) to (8).

- Trafficking in cocaine;
- 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 the Schedule I or Schedule II controlled substance involved 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.<sup>2</sup>

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 of a community addiction services provider, including a facility licensed to provide methadone treatment, or within 1,000 feet of a community addiction services provider, when the offender recklessly disregards whether the offense is being committed within that vicinity. A "community addiction services provider" is defined for purposes of the bill 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.<sup>3</sup>

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## COMMENT

The bill does not include penalty enhancements for the offense of trafficking in a fentanyl-related compound when the offense is "committed in the vicinity of a community addiction services provider." That offense, the penalties for which are located in R.C. 2925.03(C)(9), was enacted in Am. Sub. S.B. 1 of the 132nd General Assembly, effective October 31, 2018, and did not exist at the time this bill was considered or passed by the House of Representatives.

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<sup>2</sup> R.C. 2925.03(C)(1)(a) and (b).

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



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## HISTORY

ACTION	DATE
Introduced	06-28-17
Reported, H. Criminal Justice	05-22-18
Passed House (92-1)	06-20-18

