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S.B. 55
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Gavarone

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Summary

- Enhances the penalties for most drug trafficking offenses when committed on the premises of a community addiction services provider, or within 1,000 feet of such a 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.
- Names its provisions the “Relapse Reduction Act.”

Detailed Analysis

Penalty enhancement for drug offenses committed near treatment centers

The bill generally enhances the penalties for trafficking in any Schedule I or Schedule II controlled substance, with the exception of marijuana, when the offense is “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 (the drug involved in this offense is a Schedule I or II controlled substance other than marijuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance analog);
- Trafficking in cocaine;
- Trafficking in L.S.D.;

¹ R.C. 2925.03(C)(1) and (4) to (9).

- Trafficking in heroin;
- Trafficking in hashish;
- Trafficking in a controlled substance analog;
- Trafficking in a fentanyl-related compound.

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

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.⁴

The bill specifies that its provisions are to be known as the “Relapse Reduction Act.”⁵

History

Action	Date
Introduced	02-19-19

S0055-I-133/ts

² R.C. 2925.03(C)(1) and (4) to (9).

³ R.C. 2925.03(C)(1)(a) and (b).

⁴ R.C. 2925.01(LL) and (MM), by reference to R.C. 5119.01, not in the bill.

⁵ Section 4.