

DRUG OFFENSE QUICK REFERENCE GUIDE

September 2007 – By Shawn Welch

Ohio Criminal Sentencing Commission – Chief Justice Thomas J. Moyer, Chairman; David J. Diroll, Director

TRAFFICKING – O.R.C. §2925.03

DRUG	AMOUNT	LEVEL School or Juv.		DIVISION School or Juv.		GUIDANCE School or Juvenile	
Schedule I or II*	< bulk	F-4	F-3	C(1)(a)	C(1)(b)	Div. C	Div. C
	≥ bulk → <5 x bulk	F-3	F-2	C(1)(c)	C(1)(c)	Mand.	Mand.
	≥ 5 → < 50 x bulk	F-2	F-1	C(1)(d)	C(1)(d)	Mand.	Mand.
	≥50 → <100 x bulk	F-1	F-1	C(1)(e)	C(1)(e)	Mand.	Mand.
	≥ 100 x bulk	F-1	F-1	C(1)(f)	C(1)(f)	MDO	MDO
Schedule III, IV, V*	< bulk	F-5	F-4	C(2)(a)	C(2)(b)	Div. C	Div. C
	≥ bulk → <5 x bulk	F-4	F-3	C(2)(c)	C(2)(c)	In Favor	In Favor
	≥ 5 → < 50 x bulk	F-3	F-2	C(2)(d)	C(2)(d)	In Favor	In Favor
	≥ 50 x bulk	F-2	F-1	C(2)(e)	C(2)(e)	Mand.	Mand.
Marijuana	Gift ≤ 20 g	MM^	M-3	C(3)(g)	C(3)(g)	None	None
	< 200 g	F-5	F-4	C(3)(a)	C(3)(b)	Div. C	Div. C
	≥ 200 g → < 1 kg	F-4	F-3	C(3)(c)	C(3)(c)	Div. C	Div. C
	≥ 1 kg → < 5 kg	F-3	F-2	C(3)(d)	C(3)(d)	Div. C	In Favor
	≥ 5 kg → < 20 kg	F-3	F-2	C(3)(e)	C(3)(e)	In Favor	In Favor
	≥ 20 kg	F-2	F-1	C(3)(f)	C(3)(f)	Mand. 8 years	Mand. 10 years
Cocaine	< 5g	F-5	F-4	C(4)(a)	C(4)(b)	Div. C	Div. C
	≥ 5 g → < 10 g	F-4	F-3	C(4)(c)	C(4)(c)	In Favor	In Favor
	≥ 10 g → < 100 g	F-3	F-2	C(4)(d)	C(4)(d)	Mand.	Mand.
	≥ 100 g → < 500 g	F-2	F-1	C(4)(e)	C(4)(e)	Mand.	Mand.
	≥ 500 g → < 1 kg	F-1	F-1	C(4)(f)	C(4)(f)	Mand.	Mand.
	≥ 1 kg	F-1	F-1	C(4)(g)	C(4)(g)	MDO	MDO
Crack (Base Cocaine)	< 1 g	F-5	F-4	C(4)(a)	C(4)(b)	Div. C	Div. C
	≥ 1 g → < 5 g	F-4	F-3	C(4)(c)	C(4)(c)	In Favor	In Favor
	≥ 5 g → < 10 g	F-3	F-2	C(4)(d)	C(4)(d)	Mand.	Mand.
	≥ 10 g → < 25 g	F-2	F-1	C(4)(e)	C(4)(e)	Mand.	Mand.
	≥ 25 g → < 100 g	F-1	F-1	C(4)(f)	C(4)(f)	Mand.	Mand.
	≥ 100 g	F-1	F-1	C(4)(g)	C(4)(g)	MDO	MDO

DRUG	AMOUNT	LEVEL School or Juv.		DIVISION School or Juv.		GUIDANCE School or Juvenile	
LSD: Solid	< 10 UD	F-5	F-4	C(5)(a)	C(5)(b)	Div. C	Div. C
	≥ 10 UD → < 50 UD	F-4	F-3	C(5)(c)	C(5)(c)	In Favor	In Favor
	≥ 50 UD → < 250 UD	F-3	F-2	C(5)(d)	C(5)(d)	Mand.	Mand.
	≥ 250 UD → < 1000 UD	F-2	F-1	C(5)(e)	C(5)(e)	Mand.	Mand.
	≥ 1000 UD → < 5000 UD	F-1	F-1	C(5)(f)	C(5)(f)	Mand.	Mand.
	≥ 5000 UD	F-1	F-1	C(5)(g)	C(5)(g)	MDO	MDO
LSD: Liquid	< 1 g	F-5	F-4	C(5)(a)	C(5)(b)	Div. C	Div. C
	≥ 1 g → < 5 g	F-4	F-3	C(5)(c)	C(5)(c)	In Favor	In Favor
	≥ 5 g → < 25 g	F-3	F-2	C(5)(d)	C(5)(d)	Mand.	Mand.
	≥ 25 g → < 100 g	F-2	F-1	C(5)(e)	C(5)(e)	Mand.	Mand.
	≥ 100 g → < 500 g	F-1	F-1	C(5)(f)	C(5)(f)	Mand.	Mand.
	≥ 500 g	F-1	F-1	C(5)(g)	C(5)(g)	MDO	MDO
Heroin	< 1 g < 10 UD	F-5	F-4	C(6)(a)	C(6)(b)	Div. C	Div. C
	≥ 1 g → < 5 g, ≥ 10 UD → < 50 UD	F-4	F-3	C(6)(c)	C(6)(c)	In Favor	In Favor
	≥ 5 g → < 10 g, ≥ 50 UD → < 100 UD	F-3	F-2	C(6)(d)	C(6)(d)	In Favor	In Favor
	≥ 10 g → < 50 g, ≥ 100 UD → < 500 UD	F-2	F-1	C(6)(e)	C(6)(e)	Mand.	Mand.
	≥ 50 g → < 250 g, ≥ 500 UD → < 2500 UD	F-1	F-1	C(6)(f)	C(6)(f)	Mand.	Mand.
	≥ 250 g, ≥ 2500 UD	F-1	F-1	C(6)(g)	C(6)(g)	MDO	MDO
Hashish: Solid	< 10 g	F-5	F-4	C(7)(a)	C(7)(b)	Div. C	Div. C
	≥ 10 g → < 50 g	F-4	F-3	C(7)(c)	C(7)(c)	Div. C	Div. C
	≥ 50 g → < 250 g	F-3	F-2	C(7)(d)	C(7)(d)	Div. C	In Favor
	≥ 250 g → < 1 kg	F-3	F-2	C(7)(e)	C(7)(e)	In Favor	In Favor
	≥ 1 kg	F-2	F-1	C(7)(f)	C(7)(f)	Mand. 8 years	Mand. 10 years
Hashish: Liquid	< 2 g	F-5	F-4	C(7)(a)	C(7)(b)	Div. C	Div. C
	≥ 2 g → < 10 g	F-4	F-3	C(7)(c)	C(7)(c)	Div. C	Div. C
	≥ 10 g → < 50 g	F-3	F-2	C(7)(d)	C(7)(d)	Div. C	In Favor
	≥ 50 g → < 200 g	F-3	F-2	C(7)(e)	C(7)(e)	In Favor	In Favor
	≥ 200 g	F-2	F-1	C(7)(f)	C(7)(f)	Mand. 8 years	Mand. 10 years

* The schedule of controlled substances is in O.R.C. §3719.41.

^ Minor misdemeanor (MM) on first offense, M-3 on a subsequent offense.

School or Juv. = The offense occurred in the vicinity of a school or juvenile.

MDO (Major Drug Offender) = Mandatory 10 years plus optional 1-10 years under 2929.15(D)(3)(b).

Mand. or Mandatory = Judge must impose a prison term from range available for that offense level.

In Favor = A rebuttable presumption in favor of imposing a prison term

Div. B = Sentencing is guided by O.R.C. §2929.13(B), the rules for F-4s and F-5s.

Div. C = Sentencing is guided by O.R.C. §2929.13(C).

Division = The appropriate subsection of 2925.03, 2925.04, or 2925.11.

POSSESSION – O.R.C. §2925.11

DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
Schedule I or II*	< bulk	F-5	C(1)(a)	Div. B
	≥ bulk → <5 x bulk	F-3	C(1)(b)	In Favor
	≥ 5 → < 50 x bulk	F-2	C(1)(c)	Mandatory
	≥50 → <100 x bulk	F-1	C(1)(d)	Mandatory
	≥100 x bulk	F-1	C(1)(e)	MDO
Schedule III, IV, or V*	< bulk	M-3†	C(2)(a)	‡
	≥bulk → <5 x bulk	F-4	C(2)(b)	Div. C
	≥ 5 → < 50 x bulk	F-3	C(2)(c)	In Favor
	≥ 50 x bulk	F-2	C(2)(d)	Mandatory
Marijuana	< 100 g	MM	C(3)(a)	None
	≥ 100 g → < 200 g	M-4	C(3)(b)	None
	≥ 200 g → < 1 kg	F-5	C(3)(c)	Div. B
	≥ 1 kg → < 5 kg	F-3	C(3)(d)	Div. C
	≥ 5 kg → < 20 kg	F-3	C(3)(e)	In Favor
	≥ 20 kg	F-2	C(3)(f)	Mandatory 8 years
Cocaine	< 5 g	F-5	C(4)(a)	Div. B
	≥ 5 g → < 25 g	F-4	C(4)(b)	In Favor
	≥ 25 g → < 100 g	F-3	C(4)(c)	Mandatory
	≥ 100 g → < 500 g	F-2	C(4)(d)	Mandatory
	≥ 500 g → < 1 kg	F-1	C(4)(e)	Mandatory
Crack (Base Cocaine)	≥ 1 kg	F-1	C(4)(f)	MDO
	< 1 g	F-5	C(4)(a)	Div. B
	≥ 1 g → < 5 g	F-4	C(4)(b)	In Favor
	≥ 5 g → < 10 g	F-3	C(4)(c)	Mandatory
	≥ 10 g → < 25 g	F-2	C(4)(d)	Mandatory
	≥ 25 g → < 100 g	F-1	C(4)(e)	Mandatory
Crack (Base Cocaine)	≥ 100 g	F-1	C(4)(f)	MDO

DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
LSD: Solid	< 10 UD	F-5	C(5)(a)	Div. B
	≥ 10 UD → < 50 UD	F-4	C(5)(b)	Div. C
	≥ 50 UD → < 250 UD	F-3	C(5)(c)	In Favor
	≥ 250 UD → < 1000 UD	F-2	C(5)(d)	Mandatory
	≥ 1000 UD → < 5000 UD	F-1	C(5)(e)	Mandatory
	≥ 5000 UD	F-1	C(5)(f)	MDO
LSD: Liquid	< 1 g	F-5	C(5)(a)	Div. B
	≥ 1 g → < 5 g	F-4	C(5)(b)	Div. C
	≥ 5 g → < 25 g	F-3	C(5)(c)	In Favor
	≥ 25 g → < 100 g	F-2	C(5)(d)	Mandatory
	≥ 100 g → < 500 g	F-1	C(5)(e)	Mandatory
Heroin	≥ 500 g	F-1	C(5)(f)	MDO
	< 1 g, < 10 UD	F-5	C(6)(a)	Div. B
	≥ 1 g → < 5 g, ≥ 10 UD → < 50 UD	F-4	C(6)(b)	Div. C
	≥ 5 g → < 10 g, ≥ 50 UD → < 100 UD	F-3	C(6)(c)	In Favor
	≥ 10 g → < 50 g, ≥ 100 UD → < 500 UD	F-2	C(6)(d)	Mandatory
	≥ 50 g → < 250 g, ≥ 500 UD → < 2500 UD	F-1	C(6)(e)	Mandatory
Hashish: Solid	≥ 250 g, ≥ 2500 UD	F-1	C(6)(f)	MDO
	< 5 g	MM	C(7)(a)	None
	≥ 5 g → < 10 g	M-4	C(7)(b)	None
	≥ 10 g → < 50 g	F-5	C(7)(c)	Div. B
	≥ 50 g → < 250 g	F-3	C(7)(d)	Div. C
	≥ 250 g → < 1 kg	F-3	C(7)(e)	In Favor
Hashish: Liquid	≥ 1 kg	F-2	C(7)(f)	Mandatory 8 yrs.
	< 1 g	MM	C(7)(a)	None
	≥ 1 g → < 2 g	M-4	C(7)(b)	None
	≥ 2 g → < 10 g	F-5	C(7)(c)	Div. B
	≥ 10 g → < 50 g	F-3	C(7)(d)	Div. C
	≥ 50 g → < 200 g	F-3	C(7)(e)	In Favor
Hashish: Liquid	≥ 200 g	F-2	C(7)(f)	Mandatory 8 yrs.

MANUFACTURING AND CULTIVATION – O.R.C. §2925.04

DRUG	AMOUNT	LEVEL School or Juv.	DIVISION School or Juv.	GUIDANCE
Schedule I or II*	Any	F-2 F-1	C(2)/E C(2)/E	Mand./MDO♣
Methamphetamine	Any	F-2 ♦ F-1 ∞	C(3)/E C(3)/E	Mand. 3♦/MDO♣ Mand. 4∞/MDO♣
Schedule III, IV, or V*	Any	F-3 F-2	C(4) C(4)	In Favor

DRUG	AMOUNT	LEVEL School or Juv.	DIVISION School or Juv.	GUIDANCE School or Juv.
Marijuana	< 100 g	MM M-4	C(5)(a) C(5)(a)	None None
	≥ 100g → < 200g	M-4 M-3	C(5)(b) C(5)(b)	None None
	≥ 200 g → < 1 kg	F-5 F-4	C(5)(c) C(5)(c)	Div. B Div. B
	≥ 1 kg → < 5 kg	F-3 F-2	C(5)(d) C(5)(d)	Div. C Div. C
	≥ 5 kg → < 20 kg	F-3 F-2	C(5)(e) C(5)(e)	In Favor In Favor
	≥ 20 kg	F-2 F-1	C(5)(f) C(5)(f)	Mand. 8 Mand.10

* The schedule of controlled substances is in O.R.C. §3719.41.

† If the offender previously has been convicted of a drug abuse offense, this is an M-2.

‡ If the drug is an anabolic steroid, the court may impose community control instead of incarceration.

School or Juv. = The offense occurred in the vicinity of a school or juvenile.

♣ If the violation involves the sale or possession of such substances, and if the court finds the offender an MDO, an additional prison term may be imposed.

♦ Minimum prison term of 3 years first offense, 4 years second offense.

∞ Minimum prison term of 4 years first offense, 5 years second offense. Includes “public premises”.

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