

# DRUG OFFENSE QUICK REFERENCE GUIDE

Ohio Criminal Sentencing Commission – Chief Justice Maureen O’Connor, Chair; David J. Diroll, Director  
Effective September 30, 2011 – By David J. Diroll

## DRUG TRAFFICKING – O.R.C. §2925.03

DRUG	AMOUNT	LEVEL		DIVISION		GUIDANCE	
		S or J	S or J	S or J	S or J	S or J	S or J
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)(e)	In Favor <sup>o</sup>	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)(e)	Div. B	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 <sup>^</sup>	M-3	C(3)(h)	C(3)(h)	None	None
	< 200 g	F-5	F-4	C(3)(a)	C(3)(b)	Div. B	Div. B
	≥ 200 g → < 1 kg	F-4	F-3	C(3)(c)	C(3)(e)	Div. B	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 → < 40 kg	F-2	F-1	C(3)(f)	C(3)(f)	Mand. 5, 6, 7, 8 yrs	Mand. F-1 max.
≥ 40 kg	F-2	F-1	C(3)(g)	C(3)(g)	Mand. 8 years	Mand. F-1 max	
Cocaine: Powder or Crack	< 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)	Div. B	In Favor
	≥ 10 g → < 20 g	F-3	F-2	C(4)(d)	C(4)(d)	In Favor <sup>o</sup>	Mand.
	≥ 20 g → < 27 g	F-2	F-1	C(4)(e)	C(4)(e)	Mand.	Mand.
	≥ 27 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		DIVISION		GUIDANCE	
		S or J	S or J	S or J	S or J	S or J	S or J
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)	Div. B	In Favor
	≥ 50 UD → < 250 UD	F-3	F-2	C(5)(d)	C(5)(d)	In Favor <sup>o</sup>	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)	Div. B	In Favor
	≥ 5 g → < 25 g	F-3	F-2	C(5)(d)	C(5)(d)	In Favor <sup>o</sup>	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)	Div. B	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. B	Div. B
	≥ 10 g → < 50 g	F-4	F-3	C(7)(c)	C(7)(c)	Div. B	Div. B
	≥ 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 - < 2 kg	F-2	F-1	C(7)(f)	C(7)(f)	Mand 5, 6, 7, or 8	Mand. 8 years
	≥ 2 kg	F-2	F-1	C(7)(g)	C(7)(g)	Mand 8	Mand 11
Hashish: Liquid	< 2 g	F-5	F-4	C(7)(a)	C(7)(b)	Div. B	Div. B
	≥ 2 g → < 10 g	F-4	F-3	C(7)(c)	C(7)(c)	Div. B	Div. B
	≥ 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 - < 400 g	F-2	F-1	C(7)(f)	C(7)(f)	Mand 5, 6, 7, or 8	Mand. 8 years
	≥ 400 g	F-2	F-1	C(7)(g)	C(7)(g)	Mand 8	Mand 11

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

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

S or J = The offense occurred in the vicinity of a school or juvenile.

MDO (Major Drug Offender) = Mandatory maximum term from F-1 range, R.C. 2929.14(A)(1).

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 R.C. §2929.13(B), the rules for F-4s and F-5s.

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

In Favor<sup>o</sup> = Presumption in favor, but mandatory if 2 or more prior felony drug abuse offenses.

Note: As used in this section, "drug" includes any substance that is represented to be a drug.

### DRUG POSSESSION – O.R.C. §2925.11

DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
<b>Schedule I or II*</b>	< 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
<b>Schedule III, IV, or V*</b>	< bulk	M-1†	C(2)(a)	None
	≥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
<b>Marijuana</b>	< 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 → < 40 kg	F-2	C(3)(f)	Mand. 5,6,7, or 8 years
<b>Cocaine:</b> Powder or Crack	< 5 g	F-5	C(4)(a)	Div. B
	≥ 5 g → < 10 g	F-4	C(4)(b)	Div. B
	≥ 10 g → < 20 g	F-3	C(4)(c)	In Favor*
	≥ 20 g → < 27 g	F-2	C(4)(d)	Mandatory
	≥ 27 g → < 100 g	F-1	C(4)(e)	Mandatory
	≥ 100 g	F-1	C(4)(f)	MDO

### ASSEMBLY OR POSSESSION OF CHEMICALS - §2925.041

TO MAKE:	AMOUNT	LEVEL/ S or J	DIV./S or J	GUIDANCE/S or J
<b>Sch. I or II*</b>	Any	F-3 F-2	(C) (C)	Div. C Div. C
<b>Metham-Phetamine</b>	Any	F-3 F-2	(C)(1) (C)(2)	In Favor** Mand. 3♦

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

DRUG	AMOUNT	LEVEL/S or J	DIV./S or J	GUIDNCE/S or J
<b>Schedule I or II*</b>	Any	F-2 F-1	C(2)/E C(2)/E	Mand. MDO♣
<b>Methamphetamine</b>	Any	F-2 ♦ F-1 ∞	C(3)/E C(3)/E	Mand. 3♦ MDO♣ Mand. 4∞ MDO♣
<b>Schedule III, IV, or V*</b>	Any	F-3 F-2	C(4) C(4)	In Favor

DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
<b>LSD: Solid</b>	< 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
<b>LSD: Liquid</b>	< 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
	≥ 500 g	F-1	C(5)(f)	MDO
<b>Heroin</b>	<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
	≥ 250 g; ≥ 2500 UD	F-1	C(6)(f)	MDO
<b>Hashish: Solid</b>	< 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
	≥ 1 kg - < 2 kg	F-2	C(7)(f)	Mand. 5,6,7, or 8
	≥ 2 kg	F-2	C(7)(g)	Mandatory 8 yrs.
<b>Hashish: Liquid</b>	< 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
	≥ 200 g - < 400 g	F-2	C(7)(f)	Mand. 5,6,7, or 8
≥ 400 g	F-2	C(7)(g)	Mandatory 8 yrs.	

DRUG	AMOUNT	LEVEL/S or J	DIVISION/S or J	GUIDNCE/S or J
<b>Marijuana</b>	< 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 years Mand. F-1 max

USE FOOTNOTES FROM TRAFFICKING TABLE, PLUS:

† F-5 if the offender previously has been convicted of a drug abuse offense.

♣ If violation involves the sale or possession of such and court finds MDO, then mandatory max from range.

In Favor\*\* = Presumption in favor, but mandatory 2 or 5 year minimum if 2 or more priors.

♦ Minimum prison term of 3 years first offense, 5 years second offense.

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