

DRUG PROPOSAL COMPARISON DOCUMENT

Topic	Commission/Recodification	O'Brien/Klein
Low level drug possession	Makes low level possession an unclassified misdemeanor subject to up to 1 year in jail and eligible for alternative residential placements. Uses recodification threshold amounts	Reduces current F4/F5 threshold amount drug possession offenses to misdemeanors. Not punishable by jail time if offender agrees to a treatment program unless court finds public safety interests warrant a jail term
Drugs excluded from reduction to misdemeanor	Fentanyl-related compounds and GHB	Fentanyl related compounds and "sexual assault-enabling drugs" (new category defined by proposal as GHB, flunitrazepam, clonazepam, alprazolam, and ketamine"
Enhancement for multiple convictions	After the third conviction in three years, these low-level possession misdemeanors could be enhanced to a felony.	No enhancement provisions for multiple convictions
Retroactive reclassification of conviction	No retroactive provisions proposed at this time	Provides procedures for reclassification of prior convictions for low level possession offenses at a court hearing
Possession of large amounts	Merges possession into trafficking statute at the proposed F3 threshold, recognizing that possession of large amounts is indicative of trafficking behavior	Maintains separate possession and trafficking statutes. Replaces mandatory prison sentences for possession of current F2 and F1 (non MDO) threshold amounts with a presumption of prison
Possession with intent to distribute	Adds "obtain or possess with purpose (intent) to sell or distribute" to proposed F4/F5 "petty trafficking" offenses. This is a codification of current practice and reflects statutory distinctions made in nearly every state except Ohio.	Makes no changes to trafficking statutes.
Thresholds at all felony levels	Generally raises threshold amounts necessary at all felony levels. See threshold amount comparison attached to Commission proposal.	Unchanged.
Mandatory prison sentences	Maintains mandatory sentences for high level offenses	Replaces mandatory prison sentences for possession of current F2 and F1 (non MDO) threshold amounts with a presumption of prison
Definition of "technical violations"	No proposal	Proposes definition for technical violations of community control applicable only to low level violations of chapter 2925.