

Annual Safety & Security Report | 2020

The Jeanne Clery Act

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CAMPUS LOCATION AND CONTACT INFORMATION:

Inner State Beauty School

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Lyndhurst, Ohio 44124

Phone: (440) 442-4500

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Introduction and Purpose

The safety of students, associates and visitors is an important concern of Inner state Beauty School. We prepared this report to in-crease your awareness of a number of programs and provide information to protect your safety and well-being. Inner State Beauty School prepares the Annual Security Report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act)*. Institutions participating in federal student financial aid must present to current and future students and employees certain crime statistics and policies in accordance with the *Clery Act*. The purpose of this report is to provide information relating to campus safety and security in an effort to aid future and current students and employees in making informed decisions regarding Inner State Beauty School.

The Annual Security Report is published every year by October 1st and contains three years of campus crime statistics and campus security policy statements in accordance with the *Clery Act*. Inner State Beauty School administrators prepare this report which includes reported campus crime, arrest and referral statistics to local law enforcement agencies and designated campus officials.

Inner State Beauty School does not have on or off campus housing nor does Inner State Beauty School have student organizations. Therefore, no crime statistics or policies pertaining to such are included in this report. Dissemination of the report includes email notifications to students, faculty, and staff providing the website address to the Annual Security Report. Potential students and employees are notified that they have access to the report on our Consumer Information web page at www.innerstatebeautyschool.com. A printed copy of the report is posted in the school and is available upon request.

Annual Report and Policy Biannual Review

Every other year, in the month of September, Inner State Beauty School organizes a committee that evaluates the effectiveness of its Safety and Security and Drug and Alcohol policies. This committee consists of the School Director, Director of Education/ School Manager and Registrar. Minutes are kept from this meeting and the Operations Manager is responsible for implementing addendums to said policies. Inner State Beauty School maintains a Security Incident Report wherein all events related to safety and/or security are kept and documented. These Security Incident Reports, along with local Police reports, are evaluated by the Committee at the biennial meeting in order to evaluate the effectiveness of such policies.



Crime Reporting Procedures

Reporting Crimes

Students, faculty, and staff are strongly encouraged to report all crimes to local law enforcement, dial 9-1-1 for emergencies and (440) 442-1234 for non-emergencies. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside building should be reported to the local law enforcement agency.

Local Law Enforcement Agency	Local Phone Number	Emergency Number
Lyndhurst Police Department	(440) 442-1234	9-1-1

In addition, students, faculty and staff should report a crime to the following areas: **Report crimes to:**

Campus Director	Judson DiVincenzo
School Manager	Stephanie Jones

Timely reporting of criminal activity enables Inner State Beauty School to respond to crime in a timely manner and potentially reduce the recurrence of that crime. Timely manner shall be defined to mean immediately or as immediately as possible under the circumstances.

Inner State Beauty School works cooperatively with local law enforcement agencies when necessary; however, there are no written memoranda of understanding agreements between Institution and local law enforcement agencies to investigate alleged crimes. Inner State Beauty School does, in good faith effort, contact local law enforcement agencies to obtain data on *Clery Act* crimes that occurred on or near the campus. Not all agencies respond to our requests for data. Inner State Beauty School does not have a police or security department and no Inner State Beauty School employee or staff member possesses arrest authority.

Confidential Crime Reporting

Victims of crime may not want to pursue action with Inner State Beauty School or the criminal justice system and may still want to consider making a confidential report. With permission, the Campus Director or a designee of Inner State Beauty School can complete an incident report on the details of the incident without revealing the victim's identity. The purpose of confidential reporting is to comply with the wish to keep matters confidential while taking measures to keep the campus community safe. With such information, Inner State Beauty School can keep accurate records and become aware of any patterns of crime that may warrant action. Reports filed in this manner are counted and disclosed in the annual crimes statistics for Inner State Beauty School.

Inner State Beauty School does not employ or contract with any pastoral counselors who provide confidentiality services to students or employees. However, Inner State Beauty School provides assistance in obtaining an appropriate referral to a counseling or rehabilitation agency for students and employees.

Emergency Notifications

Emergency notifications will be posted on the school Facebook page. In addition, the school will email students and staff members through our email notification system. Additional information regarding the Covid-19 pandemic can be found at the following websites.

Ohio: coronavirus.ohio.gov

The Centers for Disease Control: www.cdc.gov/coronavirus

If you have additional questions please contact your local hospital or health care provider.

Emergency Response and Evacuation

Response and Evacuation Procedures

Emergencies are unexpected events which must be dealt with urgently to protect the health and safety of others. Emergencies may be related to natural disasters such as earthquakes, criminal activity such as armed robberies, environmental disasters, or highly contagious health concerns. Inner State Beauty School issues an Emergency and Safety Information Handbook that includes emergency response and evacuation procedures and outlines actions staff, faculty, and students must take to protect their mutual health and safety.

Inner State Beauty School will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate its Emergency Notification System (ENS), unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Campus Director and the Compliance Officer have the authority and are responsible for overall management and administration of the plan. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole.

The Campus Director or Assistant Campus Director will create the notification and Inner State Beauty School's Registrar, Compliance Officer, and/or Operations Manager will be responsible to notify students/employees. If deemed necessary, the outside of the campus community will be notified of the emergency through local law enforcement and/or public health agency. In addition, Inner State Beauty School's administrative staff will contact parents, guardians, spouses and those listed as emergency contacts by the student via phone. Other staff and faculty members may be designated as back-ups and to assist with assigned tasks.

Emergencies are identified by campus staff, by other campus community members, emergency alert radio, and forms of public media and notification. Anyone wishing to report an emergency should contact the Campus Director or Compliance Officer or other available administrative staff as soon as safely possible using the most efficient means available.

Upon confirmation of a significant on campus emergency or dangerous situation involving an immediate threat to the health or safety of students and employees, the Campus Director or Compliance Officer will issue an emergency notification and also notify the appropriate local emergency response teams, law enforcement, and individuals on campus who are in harm's way. Local authorities will determine when and if it is necessary to notify the surrounding community. The Campus Director or Compliance Officer will determine what information should be contained in the alert. Campus alerts may be issued via classroom announcement, alarm, or any combination of methods determined to be necessary. Students and employees should regularly check for a text message from Inner State Beauty School. The alerts will identify the appropriate action to take in an effort to have students and employees avoid the confirmed danger and minimize injuries. Depending on the situation, additional alerts will be disseminated as information becomes available.

Evacuations to safe locations will be implemented when necessary and proceed in an organized manner per policy and procedure. All students are required to comply with the plan and the directions given to them by campus safety staff, faculty, or public emergency response teams or law enforcement agencies during actual emergencies and drills for their personal safety. At no time during an actual campus emergency or drill shall students be permitted to leave the campus unless directed to do so.

The plan, including any updates, is reviewed with new students and employees during orientation, and at a number of faculty meetings during the year. Evacuation routes are identified in each classroom and other areas the Campus Director deems necessary.

Emergency response and evacuation drills are conducted, at minimum, annually and all student, faculty, and staff participate and conduct themselves appropriately. Tests may be announced or unannounced at the discretion of the Campus Director. Tests are evaluated for needed improvement. At a later drill any needed improvements will be tested, and if successful, included in the campus procedures. If not successful, different approaches will be tried until acceptable results are achieved.

Students and employees are encouraged to be responsible for their own security and the security of others. Employees and students are expected to follow safe practices while on campus property. Following safe practices will reduce the possibility of accidental emergencies, and increase the effectiveness of the campus response to unforeseen emergencies.

The campus community is obligated to report all unsafe activities, potential and real emergencies, and/or criminal activities to the Campus Director or Compliance Officer as soon as possible. Persons responsible for carrying out the emergency response and evacuation procedures include: Campus Director, Compliance Officer, and Operations Manager.

Timely Warnings for an Emergency

In the event of an ongoing or continuing threat to the school community, a timely warning is issued verbally, notices are posted on the school bulletin board. Students due to arrive at the school will be notified prior to their start time by email, text or phone call. Timely shall be defined to mean immediately or as immediately as possible under the circumstances. The intent of a timely warning is to provide adequate information necessary to enable the school community to protect themselves when a significant emergency or dangerous situation occurs. The content of the timely warning will not disclose information that may compromise law enforcement efforts. Anyone with information that warrants a timely warning should report it immediately to the School Manager or School Director.

Facilities Security and Access

The campus facilities are open during day and evening business hours and are accessible to students, employees, contractors, guests, and invitees. The campus is secured during non-business hours by locking doors and are only accessible by issued key. Maintenance personnel enter the facilities during the evening or early morning non business hours by issued key. Inner State Beauty School does not have on or off campus residences or official off campus student organizations. Inner State Beauty School does not have a security or police department. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Campus Director, Compliance Officer, or Operations Manager regularly reviews the campus and reports malfunctioning lights and other unsafe physical conditions to Inner State Beauty School's Operations Department for correction.

Security Awareness Programs for Students and Employees

Safety and security awareness programs are in place for students and employees. The common theme of awareness and crime prevention programs are to encourage students and employees to be aware of their responsibility for their own security and the security of others. The safety rules, including crime prevention, are available in Inner State Beauty School's Student Handbook and is reviewed with students during orientation. Security, including crime prevention, is reviewed with employees at hire dates and during a number of staff and faculty meetings during the year.

Instructors are reminded with a memo at the beginning of each start that they are required to discuss emergency evacuation procedures and safety policy on

the first day of class. Visual emergency exiting layouts are posted at the entrances of all campus rooms and Emergency Classroom Procedures shall be posted in each lab.

In the event of eminent danger or immediate emergency, information is released through text message, and campus announcements via administration paging system.

Alcoholic and Drug Prevention Policy

Inner State Beauty Schools proud to be a drug-free work place, comply with the Drug Free Work Place Act, and the Drug Free Schools and Campuses Act.

Prevention and Treatment

Inner State Beauty School has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees on campus or at off campus student related activities. The program provides services related to drug use and abuse including dissemination of informational materials, disciplinary actions and a list of educational programs, counseling services, and treatment programs.

The Campus Director or Compliance Officer provides an overall coordination of the Drug-Free School Program. Drug and Alcohol education materials are available to students and employees.

Alcoholic Beverages

The possession, sale or the furnishing of alcohol at Inner State Beauty Schools governed by Inner State Beauty School's Drug and Alcohol Policy and state law. Laws regarding the possession, sale, consumption or furnishing of alcohol are controlled **by the state's Department of Drug and Alcohol**. However, the enforcement of alcohol laws on-campus is the primary responsibility of the Campus Director, Compliance Officer and local law enforcement agencies. Inner State Beauty School has been designated "Drug free" and in no circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Campus Director, Compliance Officer and local law enforcement agencies. Violators are subject to Inner State Beauty School's disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of Inner State Beauty School's Drug and Alcohol Policy for anyone to consume or possess alcohol in any public or private area of Inner State Beauty School. Students and employees violating alcohol/substance policies or laws will be subject to discipline by Inner State Beauty School. For more information, please refer to the most recent Drug and Alcohol policy.

Health Risks Associated with Substance Abuse

Substance abuse can cause very serious health and behavioral problems, including short-and long-term effects upon both the body (physiological) and mind (psychological), as well as impairment of learning ability, memory, and performance. For additional information on health risks of substance abuse, see: <http://www.drugabuse.gov/related-topics/medical-consequences-drug-abuse>. **(See Appendix B)**

Illegal Drug Possession

Inner State Beauty School has been designated "Drug free". The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Campus Director, Compliance Officer and local law enforcement agencies.

Violators are subject to Inner State Beauty School’s disciplinary action, criminal prosecution, fine and imprisonment. For more information, please refer to the most recent Drug and Alcohol policy.

Disciplinary Action for Weapons, Drug, and Alcohol Violation

Inner State Beauty Schools committed to helping students meet their educational and career goals. Employees are held to a high standard and are required to conduct themselves in a professional manner. When students or employees violate weapon, drug, or alcohol laws, disciplinary action will result as described on the following page. Inner State Beauty School provides assistance in obtaining an appropriate referral to a counseling or rehabilitation agency. The results of any investigation are available upon request to victims or if necessary, the victims next of kin as determined and required by Federal and State laws.

Legal Sanctions – Laws Governing Alcohol

The Clery Act requires Inner State Beauty School to inform students and employees of laws governing Alcohol. The State of Ohio has set twenty-one (21) as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the **State Department of Drug and Alcohol**. (See Appendix A)

Inner State Beauty School Sanctions

A violation of any law regarding the unlawful possession, use or distribution of illicit drugs and alcohol by students or employees is also a violation of Inner State Beauty School’s Drug and Alcohol policy and will be treated as a separate disciplinary matter by Inner State Beauty School. For more information, please refer to the most recent Drug and Alcohol policy.

Sexual Offense Policy and Other Information

Inner State Beauty Schools required by the Clery Act to include in its Annual Security Report information about Sex offense policy and procedures, prevention and how to access information on registered sex offenders in the campus community.

Sexual Offense Policy

Sexual assault is not tolerated by Inner State Beauty School. Inner State Beauty School will promptly investigate all allegations of sexual assault and take appropriate action where required. For instance, Inner State Beauty School will change a student’s academic schedule in order to protect the victim of a sexual offense.

What to do if you are Sexually Assaulted

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. Inner State Beauty School strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Victims of an assault should be reported directly to the local law enforcement agency but reporting is at the victim’s discretion. In addition, the Campus Director or Compliance Officer will assist the student in notifying these authorities at the student’s request. Numbers to local law enforcement agencies are as follows:

Campus	Local Law Enforcement Agency	Phone #
Inner State Beauty School	City of Lyndhust Police Department	9-1-1 (440) 442-1234

Filing a police report with the local law enforcement agency will not obligate the victim to prosecute. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim;

- Provide the opportunity for collection of evidence helpful in prosecution which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Sexual Assault Counseling Services

Inner State Beauty School does not provide on-campus or off-campus counseling services. However, Inner State Beauty School can and will refer the victim to a non-related, outside counseling service such as a local rape counseling center. In addition, Inner State Beauty School offers the Employee Assistance Program Referral for all employees that request such assistance.

Sexual Assault Disciplinary Action

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and Inner State Beauty School or only the latter. To initiate disciplinary action against a student or employee for sexual assault, a report must be made to the Campus Director or Compliance Officer.

The following disciplinary procedures will be conducted in cases of an alleged sex offense:

- Inner State Beauty School will delegate an investigator to review the specifics in the case, interview the accuser and accused, and any witnesses.
- Inner State Beauty School will conduct a meeting during which the accuser and the accused are entitled to participate and have the option of one person who has had no formal legal training to accompany them throughout the meeting.
- Both the accuser and the accused will be informed in writing of Inner State Beauty School’s final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

Sanctions

A student or employee found guilty of a sexual assault will be dismissed or terminated.

Disclosures to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses

Inner State Beauty School will, upon written request, disclose to the victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by Inner State Beauty School against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the results of the disciplinary action may be provided to the victim’s next of kin, if requested.

Prevention Programs

Educational information regarding sexual assaults, date rape, acquaintance rape, and other forcible and non-forcible sex offenses is addressed to all students at orientation. Inner State Beauty School also has information concerning these topics available in the Student Services department.

Availability of Sex Offender Registry

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne *Clery Act* and the Family Educational Rights and Privacy Act of 1974, Inner State Beauty Schools providing a link to the State of Ohio Department of Justice’s register sex offender’s website. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In Ohio, convicted sex offenders must register with local law enforcement under

The registry is available via Internet and is available at the following web address: <http://www.meganslaw.gov/>

Violence Against Women Reauthorization Act of 2013 (VAWA)

The Violence Against Women Reauthorization Act of 2013 (VAWA) amended the Clery Act and will require Inner State Beauty School to compile statistics for additional crimes that are reported to Inner State Beauty School or to local police agencies. These additional crimes include sexual assault, domestic violence, dating violence, and stalking. Inner State Beauty School will begin to compile statistics on VAWA crimes in 2013 and as additional guidance is provided to Inner State Beauty School, future Annual Security Reports may have more details on this new law.

Hate Crimes

There were 0 reported incidents of hate crimes reported for 2015, 2016, or 2017.

Hate crime statistics are presented in narrative format when there are no hate crimes to report or if there are a limited number of hate crimes reported.

A *Clery Act* hate crime is committed when the victim was intentionally targeted because of bias. Bias for the purpose of *Clery Act* hate crime reporting is *a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin.*

Hate crime categories include murder/non-negligent manslaughter, sex offenses – forcible, sex offences – non forcible, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, larceny-theft, intimidation, destruction/damage/vandalism of property.

Inner State Beauty School takes hate crimes and all criminal offences seriously and encourages the campus community to report any crime to the Campus Director or Compliance Officer. Crimes also can be reported by calling 911.

Annual Disclosures Preparation

Inner State Beauty School maintains a daily crime log wherein all events related to safety and/or security are kept and documented.

In August of each year, Inner State Beauty School assembles this data, along with local police reports, in order to produce the data found in our crime statistics listed below. In addition, this information is reported to the Department of Education in the annual campus safety and security report web based reporting. This should be reported by the school manager and double checked by the school director.

Campus Crime Statistics

INNER STATE BEAUTY SCHOOL

Crime Statistics 2017 – 2019

Criminal Offenses

	On Campus			Public Property		
	2017	2018	2019	2017	2018	2019
Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence	0	0	0	0	0	0
Sexual assault: rape, fondling, incest, statutory rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Totals	0	0	0	0	0	0

Hate Crime Statistics

INNER STATE BEAUTY SCHOOL

Crime Statistics 2017 – 2019

Hate Crimes

	On Campus			Public Property		
	2017	2018	2019	2017	2018	2019
Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence	0	0	0	0	0	0
Sexual assault: rape, fondling, incest, statutory rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0	0	0	0
Any other crime involving bodily injury	0	0	0	0	0	0
Totals	0	0	0	0	0	0

VAWA Crime Statistics

INNER STATE BEAUTY SCHOOL

Crime Statistics 2017 – 2019

Violence Against Women Offenses

	On Campus			Public Property		
	2017	2018	2019	2017	2018	2019
Sexual Assault	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Totals	0	0	0	0	0	0

Arrests & Disciplinary Action Statistics

INNER STATE BEAUTY SCHOOL						
Crime Statistics 2017 – 2019						
Arrests						
	On Campus			Public Property		
	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0
Totals	0	0	0	0	0	0

INNER STATE BEAUTY SCHOOL						
Crime Statistics 2017 – 2019						
Disciplinary Actions						
	On Campus			Public Property		
	2017	2018	2019	2017	2018	2019
Liquor Law Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0
Totals	0	0	0	0	0	0

INNER STATE BEAUTY SCHOOL						
Crime Statistics 2017 – 2019						
Unfounded Crimes						
	On Campus			Public Property		

	2017	2018	2019	2017	2018	2019
Unfounded Crimes	0	0	0	0	0	0
Totals	0	0	0	0	0	0

Student and Employee Rights: Inner State will provide victims of the crimes covered above with a written explanation of their rights. These rights include the option for academic course re-assignment. They also include access to counseling services, legal services, and law enforcement notification.

Disciplinary Proceedings: All disciplinary proceedings are prompt, fair, and impartial, and must confer certain procedural rights to both the accuser and the accused.

APPENDIX A

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

21.U.S.C. 884(a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000.00, but not more than \$100,000.00 or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined \$2,500.00, but not more than \$250,000.00 or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000.00, but not more than \$250,000.00 or both.

Special sentencing provisions for possession of crack cocaine; Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000.00 or both.

1st conviction and the amount of crack possessed exceeds 5 grams.

2nd conviction and the amount of crack possessed exceeds 3 grams

3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram

22.U.S.S. 853(a)(2) and 881(a)(7): Forfeiture of personal and real property used to possess or to facilitate possessions of a controlled substance, that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack).

21,U.S.C.881(a)(4): Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21.U.S.C.884a: Civil fine of up to \$10,000.00 (Pending adoption of final regulations).

21.U.S.C.853a: Denial of Federal benefits such as student loans, grants, contracts and professional and commercial licenses, up to 1 year for 1st offense, up to 5 years for 2nd and subsequent offenses.

18.U.C.933(g): Ineligible to receive or purchase a firearm. Miscellaneous: Revocation of certain Federal licenses and benefits, e.g. pilot license, public housing tenancy, etc., are vested within the authorities of individual Federal Agencies.

*****NOTE: These are only Federal penalties and sanctions. Additional State penalties and sanctions do apply**

APPENDIX B

HEALTH RISKS ASSOCIATED WITH ALCOHOL

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required in driving a car safely, increasing the likelihood that the driver will be involved in a car accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol caused marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal symptoms can be life threatening. Long term consumption of large quantities of alcohol, particularly when combined with poor nutrition can also lead to permanent damage to vital organs such as the brain and liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

As described in What Works: Schools Without Drugs (1989 Edition, Department of Education).

Ohio Revised Code

» [Title \[29\] XXIX CRIMES - PROCEDURE](#)

» [Chapter 2925: DRUG OFFENSES](#)

2925.03 Trafficking, aggravated trafficking in drugs.

(A) No person shall knowingly do any of the following:

- (1) Sell or offer to sell a controlled substance or a controlled substance analog;
- (2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.

(B) This section does not apply to any of the following:

- (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;
- (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;
- (3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic

steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or schedule II, with the exception of marihuana, cocaine, L.S.D., heroin, hashish, and controlled substance analogs, whoever violates division (A) of this section is guilty of aggravated trafficking in drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(1)(b), (c), (d), (e), or (f) of this section, aggravated trafficking in drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(1)(c), (d), (e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated trafficking in drugs is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If aggravated trafficking in drugs is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(2) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of trafficking in drugs. The penalty for the offense shall be determined as

follows:

(a) Except as otherwise provided in division (C)(2)(b), (c), (d), or (e) of this section, trafficking in drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(2)(c), (d), or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less

than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(h) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of trafficking in cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(4)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than

twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of trafficking in L.S.D. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b), (c), (d), (e), (f), or (g) of this section, trafficking in L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(5)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a

liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of trafficking in heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(6)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of trafficking in hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(7)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section

2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(8) If the drug involved in the violation is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of trafficking in a controlled substance analog.

The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(8)(b), (c), (d), (e), (f), or (g) of this section, trafficking in a controlled substance analog is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(8)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than

thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining amount was a fine imposed under division (H)(1) of this section.

(2) The court shall suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section.

(3) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) When a person is charged with the sale of or offer to sell a bulk amount or a multiple of a bulk amount of a controlled substance, the jury, or the court trying the accused, shall determine the amount of the controlled substance involved at the time of the offense and, if a guilty verdict is returned, shall return the findings as part of the verdict. In any such case, it is unnecessary to find and return the exact amount of the controlled substance involved, and it is sufficient if the finding and return is to the effect that the amount of the

controlled substance involved is the requisite amount, or that the amount of the controlled substance involved is less than the requisite amount.

(F)(1) Notwithstanding any contrary provision of section 3719.21 of the Revised Code and except as provided in division (H) of this section, the clerk of the court shall pay any mandatory fine imposed pursuant to division (D)(1) of this section and any fine other than a mandatory fine that is imposed for a violation of this section pursuant to division (A) or (B)(5) of section 2929.18 of the Revised Code to the county, township, municipal corporation, park district, as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender. However, the clerk shall not pay a mandatory fine so imposed to a law enforcement agency unless the agency has adopted a written internal control policy under division (F)(2) of this section that addresses the use of the fine moneys that it receives. Each agency shall use the mandatory fines so paid to subsidize the agency's law enforcement efforts that pertain to drug offenses, in accordance with the written internal control policy adopted by the recipient agency under division (F)(2) of this section.

(2) Prior to receiving any fine moneys under division (F)(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code.

Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

(3) As used in division (F) of this section:

(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor.

(b) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(G) When required under division (D)(2) of this section or any other provision of this chapter, the court shall suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section or any other specified provision of this chapter. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

(H) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, in addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may impose upon the offender an additional fine specified for the offense in division (B)(4) of section 2929.18 of the Revised Code. A fine imposed under division (H)(1) of this section is not subject to division (F) of this section and shall be used solely for the support of one or more eligible community addiction services provider in accordance with divisions (H)(2) and (3) of this section.

(2) The court that imposes a fine under division (H)(1) of this section shall specify in the judgment that imposes the fine one or more eligible community addiction services provider for the support of which the fine money is to be used. No community addiction services provider shall receive or use money paid or collected in satisfaction of a fine imposed under division (H)(1) of this section unless the services provider is specified in the judgment that imposes the fine. No community addiction services provider shall be specified in the judgment unless the services provider is an eligible community addiction services provider and, except as otherwise provided in division (H)(2) of this section, unless the services provider is located in the county in which the court that imposes the fine is located or in a county that is immediately contiguous to the county in which that court is located. If no eligible community addiction services provider is located in any of those counties, the judgment may specify an eligible community addiction services provider that is located anywhere within this state.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed under division (H)(1) of this section to the eligible community addiction services provider specified pursuant to division (H)(2) of this section in the judgment. The eligible community addiction services provider that receives the fine moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification under section 5119.36 of the Revised Code or in the application for a license under section 5119.391 of the Revised Code filed with the department of mental health and addiction services by the community addiction services provider specified in the judgment.

(4) Each community addiction services provider that receives in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the services provider is located, with the court of common pleas and the board of county commissioners of each county from which the services provider received the moneys if that county is different from the county in which the services provider is located, and with the attorney general. The community addiction services provider shall file the report no later than the first day of March in the calendar year following the calendar year in which the services provider received the fine moneys. The report shall include statistics on the number of persons served by the community addiction services provider, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the community addiction services provider. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

(5) As used in divisions (H)(1) to (5) of this section:

(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Eligible community addiction services provider" means a community addiction services provider that is certified under section 5119.36 of the Revised Code or licensed under section 5119.391 of the Revised Code by the department of mental health and addiction services.

(I) As used in this section, "drug" includes any substance that is represented to be a drug.

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C)(8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH)(2)(a), (b), or (c) of section 3719.01 of the Revised Code.

