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Bill Analysis
Legislative Service Commission

H.B. 357

123rd General Assembly
(As Introduced)

Reps. Cates, Allen, Clancy, Coughlin, Grendell, Netzley, Olman, Pringle, Schuring, Terwilleger, Van Vyven, Willamowski

BILL SUMMARY

- Increases the penalty for illegal conveyance of drugs of abuse onto the grounds of a detention facility or a mental health or mental retardation and developmental disabilities institution to a felony of the third degree in all cases.

CONTENT AND OPERATION

Existing law

R.C. 2921.36(A)(2) prohibits any person from knowingly conveying, or attempting to convey, onto the grounds of a detention facility or of an institution that is under the control of the Department of Mental Health (DMH) or the Department of Mental Retardation and Developmental Disabilities (DMR/DD) any drug of abuse. R.C. 2921.36(C) prohibits any person from knowingly delivering or attempting to deliver to any person who is confined in a detention facility or to any patient in an institution under the control of the DMH or the DMR/DD any drug of abuse. Whoever violates either prohibition is guilty of illegal conveyance of drugs of abuse onto the grounds of a detention facility or a mental health or mental retardation and developmental disabilities institution, a felony of the fourth degree if the offender is an officer or employee of the facility or institution, or a felony of the fifth degree if the offender is not such an officer or employee. (R.C. 2921.36(A)(2), (C), and (F)(2).)

Operation of the bill

The bill enhances the penalty for illegal conveyance of drugs of abuse onto the grounds of a detention facility or a mental health or mental retardation and developmental disabilities institution to a felony of the third degree in all cases. This equalization of the penalty eliminates the difference in penalty for an offender

who is an officer or employee of the facility or institution and an offender who is not an officer or employee of the facility or institution. (R.C. 2921.36(A)(2), (C), and (F)(2).)

COMMENT

R.C. 2921.36 also prohibits a person from knowingly conveying, or attempting to convey onto the grounds of a detention facility or an institution that is under the control of the DMH or the DMR/DD any deadly weapon or dangerous ordnance or any part of or ammunition for use in the deadly weapon or dangerous ordnance. In addition, the section also prohibits a person from knowingly delivering or attempting to deliver to any person who is confined in a detention facility or to any patient in an institution under the control of the DMH or the DMR/DD any weapon described above. Whoever violates either of these prohibitions is guilty of illegal conveyance of weapons on the grounds of a detention facility or a mental health or mental retardation and developmental disabilities institution, a felony of the fourth degree. A mandatory prison term is required if the offender is an officer or employee of DRC. (R.C. 2921.36(A)(1), (C), and (F)(1).)

R.C. 2921.36 also prohibits a person from knowingly conveying, or attempting to convey, onto the grounds of a detention facility or of an institution that is under the control of the DMH or the DMR/DD, any intoxicating liquor. In addition, R.C. 2921.36 also prohibits a person from knowingly delivering, or attempting to deliver to any person who is confined or any patient in such facility, any intoxicating liquor. Whoever violates either of these prohibitions is guilty of illegal conveyance of intoxicating liquor onto the grounds of a detention facility or a mental health or mental retardation and developmental disabilities institution, a misdemeanor of the second degree. (R.C. 2921.36(A)(3), (C), and (F)(3).)

R.C. 2921.38 also prohibits a person from knowingly delivering or attempting to deliver cash to any person who is confined in a detention facility. Whoever violates this prohibition is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree or a felony of the fifth degree if the offender previously has been convicted or pleaded guilty to this offense. (R.C. 2921.36(D) and (F)(4).)

HISTORY

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Introduced	05-25-99	p. 706

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