



# Ohio Legislative Service Commission

## Final Analysis

Joseph G. Aninao

### **Am. Sub. S.B. 305** 129th General Assembly (As Passed by the General Assembly)

**Sens.** Hughes, Patton, Turner, Bacon, Eklund, Jones

**Reps.** Ashford, Fedor, Letson, O'Brien, Batchelder

**Effective date:** September 28, 2012

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## ACT SUMMARY

- Prohibits a person from knowingly designing, building, constructing, or fabricating a vehicle with a hidden compartment, or modifying or altering any portion of a vehicle to create or add a hidden compartment, with the intent to facilitate the unlawful concealment or transportation of a controlled substance.
- Prohibits a person from knowingly operating, possessing, or using a vehicle with a hidden compartment with knowledge that the hidden compartment is used or intended to be used to facilitate the unlawful concealment or transportation of a controlled substance.
- Prohibits a person who has been convicted of or pleaded guilty to the offense of "aggravated trafficking in drugs" when the offense is a first or second degree felony from operating, possessing, or using a vehicle with a hidden compartment.
- Provides exemptions from the prohibitions, in specified circumstances, for: (1) law enforcement officers, (2) licensed motor vehicle dealers or manufacturers that repair, purchase, receive in trade, lease, or sell a motor vehicle, and (3) a box, safe, container, or other item added to a vehicle for securing valuables, electronics, or firearms and does not contain a controlled substance or controlled substance residue that is visible.

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## CONTENT AND OPERATION

The act contains three separate prohibitions that relate to a person engaging in any of several types of specified conduct that involve a "hidden compartment" in a "vehicle" and conduct or a purpose related to a "controlled substance."

### Prohibitions and penalties

The first prohibition prohibits a person from knowingly designing, building, constructing, or fabricating a vehicle with a hidden compartment, or modifying or altering any portion of a vehicle in order to create or add a hidden compartment, with the intent to facilitate the unlawful concealment or transportation of a controlled substance. A violation of this prohibition is the offense of "designing a vehicle with a hidden compartment used to transport a controlled substance." The offense generally is a fourth degree felony, but it is a third degree felony if the offender previously has been convicted of or pleaded guilty to a violation of the prohibition.<sup>1</sup>

The second prohibition prohibits a person from knowingly operating, possessing, or using a vehicle with a hidden compartment with knowledge that the hidden compartment is used or intended to be used to facilitate the unlawful concealment or transportation of a controlled substance. A violation of this prohibition is the offense of "operating a vehicle with a hidden compartment used to transport a controlled substance." The offense generally is a fourth degree felony, but it is a third degree felony if the offender previously has been convicted of or pleaded guilty to a violation of the prohibition or the prohibition described in the next paragraph, and it is a second degree felony if the hidden compartment contains a controlled substance at the time of the offense.<sup>2</sup>

The third prohibition prohibits a person who has been convicted of or pleaded guilty to the offense of "aggravated trafficking in drugs" when the offense is a first or second degree felony from operating, possessing, or using a vehicle with a hidden compartment. A violation of this prohibition also is the offense of "operating a vehicle with a hidden compartment used to transport a controlled substance" and is punished in the manner described in the preceding paragraph.<sup>3</sup>

The act's prohibitions described above do not do any of the following:

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<sup>1</sup> R.C. 2923.241(B) and (E).

<sup>2</sup> R.C. 2923.241(C) and (F).

<sup>3</sup> R.C. 2923.241(D) and (F).

(1) Apply to any law enforcement officer acting in the performance of the officer's duties;<sup>4</sup>

(2) Apply to any licensed "motor vehicle dealer" or motor vehicle "manufacturer" that in the ordinary course of business repairs, purchases, receives in trade, leases, or sells a motor vehicle;<sup>5</sup>

(3) Impose a duty on a licensed motor vehicle dealer to know, discover, report, repair, or disclose the existence of a hidden compartment to any person;<sup>6</sup>

(4) Apply to a box, safe, container, or other item added to a vehicle for the purpose of securing valuables, electronics, or firearms provided that at the time of discovery the box, safe, container, or other item added to the vehicle does not contain a controlled substance or visible residue of a controlled substance.<sup>7</sup>

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## HISTORY

ACTION	DATE
Introduced	02-27-12
Reported, S. Judiciary	05-03-12
Passed Senate (30-2)	05-03-12
Reported, H. Transportation, Public Safety & Homeland Security	05-23-12
Passed House (78-16)	06-12-12
Senate concurred in House amendments (30-2)	06-13-12

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<sup>4</sup> R.C. 2923.241(G).

<sup>5</sup> R.C. 2923.241(H)(1).

<sup>6</sup> R.C. 2923.241(H)(2).

<sup>7</sup> R.C. 2923.241(I).