

Law You Can Use: Consumer Information Column

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Drug Trafficking Laws Invoke Serious Consequences

Individuals charged with drug trafficking in Ohio face severe penalties if they are convicted. The penalties may include fines, forfeiture of property, prison sentences, and license suspensions.

Q: *What, exactly, is drug trafficking?*

A: Drug trafficking is knowingly selling or offering to sell a controlled substance. A person also commits the offense of drug trafficking by shipping, transporting, delivering, or preparing a controlled substance for shipment/transportation/delivery when the person has reason to believe the recipient intends to sell the controlled substance.

Q: *What if the seller does not receive money for the drug?*

A: The seller can still be convicted of drug trafficking even if no money changes hands. The definition of “sale” includes barter, exchange, transfer, and gift.

Q: *What is a controlled substance?*

A: A controlled substance is a drug, compound, mixture or substance included in schedule I, II, III, IV, or V of the *Ohio Revised Code* and the United States Attorney General’s Office.

Q: *What if the drug involved is a prescription medication?*

A: Many prescription medications are included in the schedules of controlled substances. Therefore, if a person knowingly sells or offers to sell a prescription medication that is in one of those schedules, that person may be convicted of drug trafficking.

Q: *What are the potential prison sentences for a person convicted of drug trafficking?*

A: The potential sentences for drug trafficking depend on the type of drug and the amount of the drug. For example, trafficking a small amount of marijuana is a fifth degree felony, punishable by six months to 12 months in prison, whereas trafficking 25 grams or more of crack cocaine is a first degree felony punishable by three to ten years in prison. In some instances, a prison sentence is mandatory.

Q: *What are the potential financial sanctions for drug trafficking?*

A: The court may impose a fine, and the amount of the fine depends on the level of the offense. For example, a fifth degree felony carries a fine of up to \$2,500, and a first degree felony carries a fine of up to \$20,000. The court may also order the defendant to pay court costs, costs associated with any jail time, and costs associated with the investigation into the trafficking offense.

Q: *Can a court order forfeiture of property associated with drug trafficking?*

A: Yes. In addition to fines and court costs, the court may order the convicted trafficker to forfeit the proceeds from the drug trafficking. The court may also order the forfeiture of property used in committing the drug trafficking offense.

Q: *Is there really a mandatory driver's license suspension imposed for drug trafficking?*

A: Yes. If a person is convicted of drug trafficking, the court must suspend that person's driver's license for at least six months and up to five years.

Q: *Can a professional license be affected?*

A: Yes. If someone is convicted of drug trafficking, the court must transmit a certified copy of the conviction to the licensing board or agency that has the authority to suspend or revoke the professional license (such as a license to practice medicine or law).

This "Law You Can Use" column was provided by the Ohio State Bar Association. It was prepared by Columbus-area attorney Shawn Dominy. The column offers general information about the law. Seek an attorney's advice before applying this information to a legal problem.