

**PROSECUTOR’S GUIDELINE FOR DRUG OFFENSE  
ELIGIBILITY FOR INCLUSION IN THE  
“DRUG COURT” PROGRAM**

<b>REVISED CODE SECTION</b>	<b>Prosecutor’s Position on Eligibility for the Offense</b>
2925.02 Corrupting Another with Drugs	Not eligible, would not be eligible for intervention in lieu of conviction
2925.03 Trafficking in Drugs	Generally not eligible. Will consider fourth or fifth degree felony sales only where circumstances indicate that the sales were infrequent, small quantity sales where there is no pattern of drug trafficking.
2925.04 Illegal Manufacture of Drugs or Cultivation of Marijuana	Eligible only if, in the Prosecutor’s Opinion, the quantities involved could realistically be for personal use and where there is no evidence of Trafficking connected with the manufacture or cultivation.
2925.041 Illegal Assembly or Possession of Chemicals for the Manufacture of Drugs	Ineligible. Lowest level of offense is a third degree felony and is indicative of trafficking.
2925.05 Funding of Drug or Marijuana Trafficking	Ineligible. Clearly indicative of substantial drug trafficking and lowest level of offense is a felony of the third degree.
2925.06 Illegal Administration or Distribution of Anabolic Steroids	Ineligible unless circumstances demonstrate that steroids were for the offender’s use only.
2925.09 Use of Unapproved Drugs	Eligible only where small quantities of drugs are involved and no evidence of substantial sale activity.
2925.11 Possession of Drugs	All misdemeanor possession offenses would be eligible. Fourth and fifth degree felony level offenses eligible unless there is evidence of significant trafficking in those substances.
2925.12 Possession of Drug Abuse Instruments	All offenses are misdemeanors and are eligible.

2925.13 Permitting Drug Abuse	All misdemeanors eligible. Felonies eligible unless evidence of significant involvement with actual trafficking or other felony drug offenses beyond merely providing a place or location.
2925.14 Drug Paraphernalia Offenses	All eligible.
2925.22 Deception to Obtain Dangerous Drugs	Eligible unless quantities are over bulk amounts or where there is evidence of trafficking.
2925.23 Illegal Processing of Drug Documents	Eligible unless quantities are over bulk amounts or where there is evidence of trafficking.
2925.24 Tampering	Ineligible.
2925.31 Abusing Harmful Intoxicants	Eligible unless minors are involved or physical harm is caused.
2925.32 Trafficking in Harmful Intoxicants	Eligible unless prior drug convictions, sales to minors, or physical harm caused.
2925.33 Possession of Nitrous Oxide in Motor Vehicle	Eligible.
2925.36 Illegal Dispensing of Drug Samples	Eligible unless minors are involved, physical harm is caused, or there are prior drug convictions.
2925.37 Counterfeit Controlled Substances	Misdemeanor level offenses eligible. Where the drug in question is a scheduled substance defense will be treated as a trafficking offense for the scheduled substance in question when reviewing eligibility.
2913.02 Theft of Drugs	Eligible unless quantity exceeds bulk amount or where there is evidence of significant drug trafficking.
4729.28 Unlawful Selling of Drugs 4729.51 Prohibited Sale of Dangerous Drugs	Eligible if dangerous drug is not a controlled substance. If drug the drug involved is a controlled substance, eligibility will be determined as if it were a violation of R.C. 2925.03.

Eligibility for referral to the Drug Court will be appropriate only where there are no other charged offenses which render the individual ineligible.

Offenses occurring in a course of conduct with ineligible offenses are ineligible for referral.

Decisions on eligibility will be made after consultation with the appropriate law enforcement officers.

The above are guidelines only and may be modified based upon appropriate circumstances.