

Federal, State, and Local Sanctions and Penalties for Illicit Drug and Alcohol Use

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844(α)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, 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 but not more than \$250,000, 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, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(α)(2) and 881(α)(7)

Forfeiture of personal and real property used to possess or facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment (see special sentencing provisions re: crack.)

21 U.S.C. 881(α)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844α

Civil fine of up to \$10,000 (pending adoption of final regulations.)

21 U.S.C. 853α

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, 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 may apply. Refer to West Virginia Code maintained in the school's main office.

STATE OF PENNSYLVANIA CODE

SUMMARY OF ALCOHOL RELATED STATUTES

The following represents a summary of relevant statutes from the Pennsylvania Crimes Code (Title 18) and the Pennsylvania Liquor Code (Title 47) for alcohol related offenses:

1. A person, under the age of 21, commits a summary offense if he/she attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages. Maximum fine \$300 plus court costs and mandatory loss of your drivers license for 90 days for a first offense, one year for a second offense and two years subsequent offenses. Police officers making an arrest for this offense are obligated to notify the parents or guardians of the minor charged (Pa C.S.A. 6308).
2. A person is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violations if he/she is under the age of 21 and knowingly and falsely represents him/herself to be 21 years of age or older, for the purpose of obtaining any liquor or malt or brewed beverages. Maximum fine is \$500 plus court costs and loss of driver's license(Pa C.S.A. 6307).
3. A person is guilty of a misdemeanor of the third degree if he/she knowingly, willfully, and falsely represents to any licensed dealer, or other person, that a minor is of legal age for the purpose of inducing a person to sell or furnish any liquor, malt or brewed beverages. The minimum penalty is a fine of not less than \$300 (Pa C.S.A. 6309).
4. A person commits a misdemeanor of the third degree if he/she intentionally and knowingly sells or intentionally and knowingly furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years or age. Minimum penalty for violating this subsection is a fine not less than \$1000 for the first violation and a fine of \$2500 for each subsequent violation plus court costs (Pa C.S.A. 6310.1A).
5. A person commits a misdemeanor of the second degree if he/she intentionally, knowingly or recklessly manufactures, makes, alters, sells or attempts to sell an identification card falsely representing the identity, birth date or age of another. Minimum penalty is a fine of not less than \$1000 for the first violation and a fine of not less than \$2500 for each subsequent violation (Pa C.S.A. 6310.2).
6. A person commits a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violation if he/she, is under 21 years of age and possesses an identification card that falsely identifies the person as being 21. It is also a violation to use the identification card of another individual. Minimum penalty is a fine not more than \$500 plus court costs (Pa C.S.A. 6310.3).
7. It is unlawful for any person who is an operator or any occupant in a motor vehicle to be in possession of an open alcoholic beverage container or to consume any alcoholic beverages or controlled substances. This is a summary offense with a maximum penalty of \$300 (Pa C.S.A. 7513).

8. A person is guilty of a summary offense if he/she appears in any public place under the influence of alcohol or a controlled substance. Penalty is a maximum fine of \$300 plus court costs (Pa C.S.A. 5505).
9. A minor (under 21 years of age) shall not drive, operate or be in physical control of a motor vehicle while having alcohol in his/her system. This is a summary offense with a fine of \$100 (Pa C.S.A. 3718).
10. A person shall not drive, operate or be in physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance to a degree that renders the person incapable of safe driving. For an individual who is 21 years of age or older, the Blood Alcohol Content is .08, for a minor under 21, the Blood Alcohol Content is .02. It is a misdemeanor of the second degree for a first offense.

SUMMARY OF ALCOHOL RELATED STATUTES

Commonwealth of Pennsylvania Law- State law prohibits, among other things, the unauthorized manufacture, sale, delivery and possession of controlled substances. Consistent with federal law, Pennsylvania classifies controlled substances according to Schedules I through V. Penalties vary according to the type of controlled substance involved. For a simple possession of a small amount of marijuana (misdemeanor), persons may be subject to 30 days imprisonment and a \$500 fine. A person may be subject to a maximum of 15 years imprisonment and a \$25,000 fine for the manufacture, delivery or possession of a Schedule I or II controlled drug such as cocaine, PCP or LSD (felony). Sentences can be doubled for second and subsequent offenses. Sentences can also be doubled for distribution of controlled offenses to persons under the age of eighteen. Penalties range from a mandatory minimum sentence of seven years and a \$50,000 fine for subsequent convictions for the manufacture, delivery or possession of 100 grams or more of a Schedule I or II controlled narcotic drug.

