**FEDERAL AND STATE**

**LEGAL SANCTIONS FOR**

**UNLAWFUL POSSESSION OR DISTRIBUTION OF**

**ILLICIT DRUGS AND ALCOHOL**

**Federal Laws**

**A. Possession of Illicit Drugs**

(1) Federal laws prohibit illegal possession of controlled substances (U.S. Department of Justice and Drug

Enforcement Administration).

(a) First offense: prison sentences up to one year and a minimum fine of $1,000.

(b) Second offense: prison sentences up to two years and fined a minimum of $2,500.

(c) Third offense: prison sentences up to three years and fined a minimum of $5,000.

(d) Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of

three years as well as the fine schedule referenced above.

**B. Trafficking of Illicit Drugs**

(1) Under federal law, the manufacture, distribution, dispensation or possession with intent to manufacture, distribute or dispense of all Schedule I and II illicit drugs (e.g., cocaine, ecgonine, methamphetamines, heroin, PCP, LSD and all mixtures containing such substances) is a felony.

(a) First offense: (dependent upon the amount and type of substance) prison sentences of ten years

to life (20 years to life if death or serious bodily injury is involved) and fines of up to $10,000,000 for

offenses by individuals ($50,000,000 for other than individuals).

(b) Second offense: (dependent upon the amount and type of substance) prison sentences of 20

years to life (life imprisonment if death or serious bodily injury is involved) and fines up to $20,000,000 for

offenses by individuals ($75,000,000 for other than individuals)

(2) Federal law also prohibits trafficking in marijuana, hashish, hashish oil and mixtures containing such substances.

(a) First offense: prison sentence up to five years and fines of up to $250,000 for offenses by

individuals ($1,000,000 for other than individuals). Penalties vary depending upon the quantity of drugs

involved.

(b) Second offense: prison sentence up to ten years, and fines of up to $500,000 for offenses by

individuals ($2,000,000 for other than individuals).

(3) The trafficking of medically useful drugs (e.g., prescription and over-the counter drugs) is illegal. Outcomes for trafficking of such drugs is dependent upon which Schedule the substance falls under according to the Controlled Substances Act (CSA).

**State of California Laws**

**A. Alcohol**

(1) It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person (California Business & Professions Code 25658 & 25602).

(2) It is a crime for a person under the age of 21 to purchase or possess alcoholic beverages (California Business & Professions Code 25658 & 25662).

(3) It is a crime to sell alcohol without a valid liquor license or permit (California Business & Professions Code 23301).

(4) It is a crime for any person to drink any alcoholic beverage while driving a motor vehicle, to drink any alcoholic beverage while riding as a passenger in any motor vehicle or to drive under the influence of alcohol (California Vehicle Code 23220-23222 & 23152).

(5) It is a crime to be intoxicated in a public place (California Penal Code 647(f )).

(6) Intoxication is presumed at blood levels of .08% or higher (California Vehicle Code 23152).

**B. Penalties for Drunk Driving Offenses**

(1) First offense: fines up to $1,000, imprisonment up to six months, driver’s license suspension up to six months and interlock ignition device required in some counties.

(2) Second offense: fines up to $1,000, imprisonment up to one year, driver’s license suspension up to one year and interlock ignition device required up to one year.

(3) Third offense: fines up to $1,800, imprisonment up to one year driver’s license suspension up to three years and interlock ignition device required up to two years.

(4) Refusal to submit to a blood alcohol content test: $125 fine and driving privileges are suspended for one year, for two years if there is a prior offense within 10 years and for three years with three or more offenses within 10 years.

(5) Drivers under the age of 21 found with any measurable amount of blood alcohol (.01% or more) will be fined up to $300 and will have their driver’s license suspended for one year and will be required to attend DUI school. If the driver does not have a license, there will be a one-year delay in obtaining one.

**C. Marijuana**

(1) It is a crime for any person to smoke or ingest marijuana or any marijuana product while driving a motor vehicle, to smoke or ingest marijuana or any marijuana product while riding as a passenger in any motor vehicle or be under the influence of any illegal drug while driving a motor vehicle (California Vehicle Code 23220, 23221 & 23152).

**D. Illicit Drugs**

(1) Under California law, first offenses involving the sale or possession for sale of amphetamines, codeine, cocaine, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, and psilocybin (among others) are felonies carrying prison terms of up to four years (California Health & Safety Code 11054, 11055 & 11351).

(2) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year (California Health & Safety Code 11353.1).

(3) It is unlawful to possess any pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking a controlled substance from Section 11054 and Section 11055 (California Health & Safety Code 11364).

(4) Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, sale, possession for sale, offer for sale, offer to manufacture or conspiracy to commit one of these offenses, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first (California Health & Safety Code 11470).

(5) The illegal possession of most of the above-mentioned drugs may be felonies or misdemeanors depending upon amounts involved.

(6) The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state. It is the intent of the Legislature in enacting this provision to enhance the penalties attached to this illicit and dangerous conduct. (California Health & Safety Code 11352.1).

**Local Law**

**A. Intoxication**

1. No person shall drink any malt, spirituous or vinous liquor containing more than one-half of one percent of alcohol by volume, upon any street, sidewalk or parkway, park, playground, Los Angeles Memorial Coliseum, or in any railroad depot or bus station, or in any public place or in any place open to the patronage of the public, which premises are not licensed for the consumption of such liquor on the premises (Los Angeles Municipal Code: Sec. 41.27).

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