

Criminal Penalties Associated With Illegal Use of Controlled Substances

Under federal law, a person convicted of any federal or state offense involving possession of a controlled substance is ineligible to receive any and all federal benefits (e.g., student loans, social security) for a period of up to one year. A person convicted of the distribution of a controlled substance may be ineligible for any or all federal benefits for up to five years. There are both federal and state laws dealing with the distribution or manufacture of controlled substances in or near schools or colleges or universities. Federal law provides that a drug offense within 1,000 feet of Westchester Community College is punishable by a term of imprisonment and a fine of up to twice the amount authorized for the same offense when it is committed away from Westchester Community College.

Below are descriptions of applicable legal sanctions under state and federal law for the unlawful possession or distribution of illicit drugs and alcohol.

New York State Penal Law - Drugs:

NYS Penal Law: Article 220 - Controlled Substances Offenses; Article 221 - Offenses Involving Marihuana; and Article 178 - Criminal Diversion of Prescription Medications and Prescriptions		
<u>NYS Penal Law Controlled Substances Offenses</u>	<u>Specifics</u>	<u>Sentence</u>
§ 220.03 Criminal possession of a controlled substance (7 th degree).	Knowingly and unlawfully possessing a controlled substance (any substance listed in §3306 of the NYS Public Health Law other than marihuana, but including concentrated cannabis as defined in c).	Class A misdemeanor: imprisonment up to one year.
§ 220.06 Criminal possession of a controlled substance (5 th degree).	Knowingly and unlawfully possessing: 1. a controlled substance with intent to sell it; or 2. one or more preparations, compounds, mixtures or substances containing a narcotic preparation (aggregate weight of ½ oz or more); or 3. phencyclidine (50 mg or more); or 4. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (aggregate weight of ¼ oz ounce or more); or 5. cocaine (500 mg or more); or 6. ketamine (more than 1,000 mg); or	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.

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	7. ketamine, and has previously been convicted of possession or the attempt to commit possession of ketamine in any amount; or 8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 28 g or more).	
§ 220.09 Criminal possession of a controlled substance (4th degree).	Knowingly and unlawfully possessing: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (an aggregate weight of 1/8 oz or more); or 2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (an aggregate weight of ½ oz or more); or 3. one or more preparations, compounds, mixtures or substances containing a narcotic preparation (an aggregate weight of 2 oz or more); or 4. a stimulant (1 g or more); or 5. lysergic acid diethylamide (1 mg or more); or 6. a hallucinogen (25 mg or more); or 7. a hallucinogenic substance (1 g or more); or 8. a dangerous depressant (10 oz or more); or 9. a depressant (2 lbs or more); or 10. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (an aggregate weight of 1 oz or more); or 11. phencyclidine (250 mg or more); or 12. methadone 360 mg or more); or 13. phencyclidine (50 mg or more) with intent to sell it and has previously been convicted of an offense defined in § 220 or the attempt or conspiracy to commit any such offense); or 14. ketamine (4,000 mg or more); or 15. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 200 g or more).	Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.

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§ 220.16 Criminal possession of a controlled substance (3rd degree).	Knowingly and unlawfully possessing: 1. a narcotic drug with intent to sell it; or 2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide, with intent to sell it and has previously been convicted of an offense defined in § 220 or the attempt or conspiracy to commit any such offense; or 3. a stimulant (1 g or more) with intent to sell it; or 4. lysergic acid diethylamide (1 mg or more) with intent to sell it; or 5. a hallucinogen (25 mg or more) with intent to sell it; or 6. a hallucinogenic substance (1 g or more) with intent to sell it; or 7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (1/8 oz or more) with intent to sell it; or 8. a stimulant (5 g or more); or 9. lysergic acid diethylamide (5 mg or more); or 10. a hallucinogen (125 mg or more); or 11. a hallucinogenic substance (5 g or more); or 12. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or 13. phencyclidine (1250 mg or more).	Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.
§ 220.18 Criminal possession of a controlled substance (2nd degree).	Knowingly and unlawfully possessing: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 4 oz or more); or 2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 2 oz or more); or 3. a stimulant (10 g or more); or 4. lysergic acid diethylamide (25 mg or more); or 5. a hallucinogen (625 mg or more); or	Class A-II felony: imprisonment 3 to 10 years. For a 2nd time: offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2nd time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.

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	6. a hallucinogenic substance (25 g or more); or 7. methadone (2850mg or more).	
§ 220.21 Criminal possession of a controlled substance (1st degree).	Knowingly and unlawfully possessing: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 8 oz or more); or 2. methadone (5760 mg or more).	Class A-I felony: imprisonment for 8 to 20 years. For a 2 nd time offender: imprisonment for 12 to 24 years. For a 2 nd time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.
§ 220.25 Criminal possession of a controlled substance (presumption).	1. The presence of a controlled substance in an automobile, other than a public omnibus, is presumptive evidence of knowing possession by each and every person in the automobile at the time the substance was found (see §220.25 for exceptions). 2. The presence of a narcotic drug, narcotic preparation, marihuana or phencyclidine in open view in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, package or otherwise prepare for sale such substance is presumptive evidence of knowing possession thereof by each and every person in close proximity to such controlled substance at the time such controlled substance was found (see §220.25 for exceptions).	
§ 220.31 Criminal sale of a controlled substance (5th degree).	Knowingly and unlawfully selling a controlled substance (any substance listed in schedule I, II, III, IV or V of §3306 of the NYS Public Health Law other than marihuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of §3302 of NYS Penal Law Article 220).	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.

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§ 220.34 Criminal sale of a controlled substance (4th degree).	Knowingly and unlawfully selling: 1. a narcotic preparation; or 2. a dangerous depressant (10 oz or more) or a depressant (2 lbs or more); or 3. concentrated cannabis as defined in §3302 of the NYS Public Health Law; or 4. phencyclidine (50 mg or more); or 5. methadone; or 6. phencyclidine (any amount) and previously convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or 7. ketamine (4,000 mg or more); or 8. a controlled substance in violation of section 220.31, when such sale takes place upon school grounds; or the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or 9. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (28 g or more), as defined in §3306 of the NYS Public Health Law.	Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 3 ½ to 9 years.
§ 220.39 Criminal sale of a controlled substance (3rd degree).	Knowingly and unlawfully selling: 1. a narcotic drug; or 2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide (& previously convicted of an offense defined in §220 or the attempt or conspiracy to commit any such offense; or 3. a stimulant (1 g or more); or 4. lysergic acid diethylamide (1 mg or more); or 5. a hallucinogen (25 mg or more); or 6. a hallucinogenic substance (1 g or more); or 7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 1/8 oz or more); or 8. phencyclidine (250 mg or more); or	Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.

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	9. a narcotic preparation to a person less than 21 years old.	
§ 220.41 Criminal sale of a controlled substance (2 nd degree).	Knowingly and unlawfully selling: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or 2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of ½ oz or more); or 3. a stimulant (5 g or more); or 4. lysergic acid diethylamide (5 mg or more); or 5. a hallucinogen (125 mg or more); or 6. a hallucinogenic substance (5 g or more); or 7. methadone (360 mg or more).	Class A-I felony: imprisonment for 8 to 20 years. For a 2 nd time offender: imprisonment for 12 to 24 years. For a 2 nd time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.
§ 220.43 Criminal sale of a controlled substance (1 st degree).	Knowingly and unlawfully selling: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 2 oz or more); or 2. methadone (2880 mg or more).	Class A-II felony: imprisonment 3 to 10 years. For a 2 nd time offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.
§ 220.44 Criminal sale of a controlled substance in or near school grounds.	Knowingly and unlawfully selling: 1. a controlled substance in violation of any one of subdivisions 1– 6-a of §220.34, when such sale takes place upon school grounds; or 2. a controlled substance in violation of any one of subdivisions 1– 8 of §220.39, when such sale takes place upon school grounds; or 3. a controlled substance in violation of any one of subdivisions 1– 6 of §220.34, when such sale takes place upon the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or 4. a controlled substance in violation of any one of subdivisions 1–8 of §220.39, when such sale takes	Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2 nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.

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	place upon the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds.	
§ 220.45 Criminally possessing a hypodermic instrument.	Knowingly and unlawfully possessing or selling a hypodermic syringe or hypodermic needle.	Class A misdemeanor: imprisonment up to one year.
§ 220.46 Criminal injection of a narcotic drug.	Knowingly and unlawfully possessing a narcotic drug and intentionally injecting, by means of a hypodermic syringe or hypodermic needle, all or any portion of that drug into the body of another person with the latter's consent.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.50 Criminally using drug paraphernalia (2 nd degree).	Knowingly possessing or selling: 1. diluents, dilutants or adulterants, including but not limited to, any of the following: quinine hydrochloride, mannitol, mannite, lactose or dextrose, adapted for the dilution of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purposes of unlawfully mixing, compounding, or otherwise preparing any narcotic drug or stimulant; or 2. gelatine capsules, glassine envelopes, vials, capsules or any other material suitable for the packaging of individual quantities of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for the purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant; or 3. scales and balances used or designed for the purpose of weighing or measuring controlled substances, under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for	Class A misdemeanor: imprisonment up to one year.

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	purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant.	
§ 220.55 Criminally using drug paraphernalia (1st degree).	Committing the crime of criminally using drug paraphernalia in the second degree and having previously been convicted of criminally using drug paraphernalia in the 2 nd degree.	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 220.60 Criminal possession of precursors of controlled substances.	Possessing and at the same time intending to unlawfully manufacture: 1. a controlled substance; or 2. carbamide (urea) and propanediol and malonic acid or its derivatives; or 3. ergot or an ergot derivative and diethylamine or dimethyl-formamide or diethylamide; or 4. phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine; or 5. pentazocine and methyliodide; or 6. phenylacetone nitrile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine; or 7. diethylphenylacetone nitrile and dimethylaminoisopropyl chloride; or 8. piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or 9. 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.65 Criminal sale of a prescription for a controlled substance.	When, being a practitioner, as that term is defined in §3302 of the NYS Public Health Law, knowingly and unlawfully selling a prescription for a controlled substance.	Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 nd time

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		offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.
§ 220.70 Criminal possession of methamphetamine manufacturing material (2nd degree).	Possessing a precursor, a chemical reagent or a solvent with the intent to use or knowing another intends to use such precursor, chemical reagent, or solvent to unlawfully produce, prepare or manufacture methamphetamine.	Class A misdemeanor: imprisonment up to one year.
§ 220.71 Criminal possession of methamphetamine manufacturing material (1st degree).	Committing the offense of criminal possession of methamphetamine manufacturing material in the second degree, as defined in § 220.70, and has previously been convicted within the preceding 5 years of criminal possession of methamphetamine manufacturing material in the 2 nd degree or a violation of this section.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.72 Criminal possession of precursors of methamphetamine.	Possessing at the same time a precursor and a solvent or chemical reagent, with intent to use or knowing that another intends to use each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 220.73 Unlawful manufacture of methamphetamine (3rd degree).	Possessing, with intent to use, or knowing that another intends to use each such product to unlawfully manufacture, prepare or produce methamphetamine two or more items of laboratory equipment and two or more precursors, chemical reagents or solvents in any combination; or one item of laboratory equipment and three or more precursors, chemical reagents or solvents in any combination; or a precursor: (a) mixed together with a chemical reagent or solvent; or (b) with two or more chemical reagents and/or solvents mixed together.	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.

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§ 220.74 Unlawful manufacture of methamphetamine (2nd degree).	1. Commits violation of § 220.73 in the presence of another person under the age of 16, provided, however, that the actor is at least 5 years older than such other person under the age of 16; or 2. Commits violation of § 220.73 and has previously been convicted within the preceding 5 years of the offense of criminal possession of precursors of methamphetamine, criminal possession of methamphetamine manufacturing material in the 1st degree, unlawful disposal of methamphetamine laboratory material, unlawful manufacture of methamphetamine in the 3rd degree, the 2nd degree, or the 1st degree.	Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 3 ½ to 9 years.
§ 220.75 Unlawful manufacture of methamphetamine (1st degree).	Commits the crime of unlawful manufacture of methamphetamine in the 2nd degree after having previously been convicted within the preceding 5 years of unlawful manufacture of methamphetamine in the 3rd degree unlawful manufacture of methamphetamine in the 2nd degree or unlawful manufacture of methamphetamine in the 1st degree.	Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3 ½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.
§ 220.76 Unlawful disposal of methamphetamine laboratory material.	Knowingly disposing of, or possessing with intent to dispose of, hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.

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Federal Law - Drugs:

Federal drug laws parallel New York State drug laws in many respects. It is a federal offense to manufacture, distribute, or possess with intent to distribute, a controlled substance or an imitation controlled substance. All property associated with the unlawful handling of controlled substances is subject to forfeit to federal authorities.

Federal Trafficking Penalties for Schedules I, II, III, IV, and V*		
*except Marijuana – see other table		
<u>Schedule</u>	<u>Substance/Quantity</u>	<u>Penalty</u>
II	Cocaine 500 – 4,999 grams mixture	<u>First Offense:</u> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <u>Second Offense:</u> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.
II	Cocaine Base 28 – 279 grams mixture	
IV	Fentanyl 40 – 399 grams mixture	
I	Fentanyl Analogue 10-99 grams mixture	
I	Heroin 100 – 99 grams mixture	
I	LSD 1 – 9 grams mixture	
II	Methamphetamine 5- 49 grams pure or 50- 499 grams mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	

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II	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 280 grams or more mixture	
IV	Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 100 grams or more mixture	
I	Heroin 1 kilogram or more mixture	
I	LSD 10 grams or more mixture	
II	Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 100 grams or more pure or 1 kilogram or more mixture	

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Federal Trafficking Penalties for Schedules I, II, III, IV, and V (Cont)*	
*except Marijuana – see other table	
<u>Substance/Quantity</u>	<u>Penalty</u>
Any Amount Of Other Schedule I & II Substances	<u>First Offense:</u> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. <u>Second Offense:</u> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any Amount of Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<u>First Offense:</u> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <u>Second Offense:</u> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than Flunitrazepam)	<u>First Offense:</u> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <u>Second Offense:</u> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV) (Other than 1 gram or more)	<u>First Offense:</u> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <u>Second Offense:</u> Not more than 10 yrs. Fine not more than

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	\$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	<u>First Offense:</u> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <u>Second Offense:</u> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

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Summary of Federal Marijuana Law			
<u>Substance/Schedule</u>	<u>Quantity</u>	<u>1st Offense</u>	<u>2nd Offense</u>
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more		

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	marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine\$500,000 if an individual,\$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

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New York State Alcohol Offenses and Penalties:

NYS ABC Law Special Provisions Relating to Liquor	Specifics	Sentence
§ 65-a. Procuring alcoholic beverages for persons under the age of 21 years	Any person who misrepresents the age of a person under the age of 21 years for inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person.	A fine of not more than \$200, or imprisonment up to five days, or both.
§ 65-b. Offense for one under age of 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.	No person under the age of 21 years shall present or offer to any licensee, or to the agent or employee of such licensee, any written evidence of age, which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage.	1st violation: a fine of not more than \$100 and/or up to 30 hours of community service. Also may order completion of an alcohol awareness program. 2nd violation: a fine of \$50 to \$350 and/or up to 60 hours of community service. Also shall order completion of an alcohol awareness program if not previously completed. 3rd and subsequent violations: a fine of \$50 to \$750 and/or up to 90 hours of community service, shall order evaluation by an appropriate agency to determine whether the person suffers from the disease of alcoholism or alcohol abuse. Payment for such evaluation shall be made by such person. If person elects to participate in recommended treatment, the court shall order that payment of such fine and community service be suspended pending the completion of such treatment. In addition to these penalties, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license: 1st violation: a three month suspension; 2nd violation: a six month suspension; 3rd or

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		subsequent violation: a one year suspension or until the holder reaches the age of 21, whichever is the greater period.
§ 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of 21 years.	No person under the age of 21 years shall possess any alcoholic beverage with the intent to consume such beverage.	A fine up to \$50 and/or completion of an alcohol awareness program and/or up to 30 hours of community service.