

Sanctions for Possession and/or Distribution

State of Oregon Sanctions

Alcohol

- Minor in possession-any attempt to purchase by a person under 21 years is a violation (up to \$250 fine)
- Providing liquor to a minor-Class A misdemeanor (up to 1 year in prison and a fine, plus restitution and community service). Mandatory minimums:
 - First conviction - \$350
 - Second conviction - \$1000
 - Third or subsequent conviction - \$1000 and 30 days

For the purposes of the Oregon DUII statutes, for a person under 21 years of age, any amount of alcohol in the blood constitutes being under the influence of intoxicating liquor (class A misdemeanor, penalty of up to 1 year and \$2,500 fine and suspension and/or revocation of driving privileges).

Illicit drugs

In Oregon, penalties for possession and distribution are determined by the controlled Substance Schedule upon which the drug appears. Examples from the drug schedules appear below. (Note: Most drugs appear on the same federal and state schedule.)

Schedule I Heroin, LSD, Marijuana, Peyote, Mescaline, Psilocybin

Schedule II Opium, Cocaine, Methamphetamine

Schedule III Amphetamine, Depressants, PCP

Schedule IV Various prescription drugs

Schedule V Other less dangerous prescription drugs and small amounts of certain drugs.

Marijuana

Delivery for consideration (selling, dealing, or bartering)-Class B felony (up to 10 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).
Delivery not for consideration (less than 1 oz)-Class A misdemeanor (up to 1 year and up to \$2500).

Delivery not for consideration (less than 5 grams.)-violation (fine of at least \$500, but not more than \$1000).

Unlawful Possession (less than 1 oz.)-violation (fine of \$500-\$1000, plus twice the value of any resulting gain of property or money).

Unlawful Possession (more than 1 oz.)-Class B felony (up to 10 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Schedule I Drugs

Manufacture or distribution (except marijuana)-Class A felony (up to 20 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Unlawful Possession-Class B felony (up to 10 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Schedule II Drugs

Manufacture or distribution-Class B felony (up to 10 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Unlawful possession-Class C felony (up to 5 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Schedule III Drugs

Manufacture or distribution-Class C felony (up to 5 years and up to \$100,000 fine, plus twice the value of any resulting gain of property or money).

Unlawful Possession-Class A misdemeanor (up to 1 year and up to \$2500 fine, plus twice the value of any resulting gain of property or money).

Schedule IV Drugs

Manufacture or distribution-Class B misdemeanor (up to 6 months and up to \$1000 fine, plus twice the value of any resulting gain of property or money).

Unlawful Possession-Class C misdemeanor (up to 30 days and up to \$500 fine, plus twice the value of any resulting gain of property or money).

Schedule V Drugs

Manufacture or distribution-Class C misdemeanor (30 days and up to \$500, plus twice the value of any resulting gain of property or money).

Unlawful Possession-violation (\$250 fine, plus twice the value of any resulting gain of property or money).

It is unlawful for a person to manufacture or deliver a schedule 1, 2, or 3 controlled substance within 1,000 feet of the real property comprising a public or private elementary, vocational or secondary school attended by minors (class A felony, penalty of up to 20 years and \$100,000 fine).

In addition, the court may order the defendant to pay the cost of prosecution, and the defendant's vehicle used in the crime may be forfeited to the state. Finally, the defendant may forfeit any property used in the crime to the county in which the crime occurred.

Federal Sanctions

The federal system establishes sanctions for possession and distribution of controlled substances, based on the schedule of the drug and the amount involved. However, in addition, the statutory sanctions for possession and distribution are subject to the "Sentencing Guidelines for U.S. Courts." Imposition of the guidelines may lead to higher offense levels and, thus, stricter penalties than otherwise indicated. Courts must make adjustments in the offense level for victim-related considerations, defendant's role in the offense, multiple counts, obstruction and acceptance of responsibility. Finally, the

guidelines establish sentences for each offense based on the defendant's criminal history. Federal penal sanctions range from: Manufacture, distribution or trafficking of large amounts of heroin, cocaine, PCP, methamphetamine, Schedule I and II hallucinogens, marijuana, hashish, or any of their derivatives (30 years to life, regardless of the defendant's criminal history) to Possession of any Schedule III-V drug if defendant has lowest level or criminal history (0-4 months).

Further, if serious injury or death results from the crime, minimums of up to 10 years (serious injury) and 20 years (death), plus fines of up to \$4,000,000 may be added. These penalties may be doubled for defendants with past felony drug convictions. Finally, penal sanctions in the federal system are "real time", with reductions in sentences only for good behavior.