

Appendix 3

**Federal Penalties and Sanctions from Illegal Trafficking and Possession of a Controlled Substance (As of January 1, 1996)**

Controlled Substances Act Schedule	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	Quantity	Drug	Quantity	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
I and II	*Not less than 5 years Not more than 40 years	*Not less than 10 years. Not more than life	10-99 gm pure or 100-999 gm mixture	Methamphetamine	100 gm or more pure of 1 kg or more mixture	*Not less than 10 years. Not more than life	*Not less than 20 years. Not more than life
	*If death or serious injury, not less than 20 years or more than life	*If death or serious injury, not less than life	100-999 gm mixture	Heroin	1 kg or more mixture	*If death or serious injury, not less than 20 years or more than life.	*If death or serious injury, not less than life
			500-4,999 gm mixture	Cocaine	5 kg or more mixture		
		*Fine of not more than \$4 million individual	5-49 gm mixture	Cocaine Base	50 gm or more mixture		*Fine of not more than \$8 million individual,
	*Fine of not more than \$2 million individual, \$5	\$10 million other than	10-99 gm pure or 100-999 gm mixture	PCP	100 gm or more pure or 1 kg or more mixture	*Fine of not more than \$4 million individual,	\$20 million other than individual

million other than individual	individual	1-9 gm mixture	LSD	10 gm or more mixture	\$10 million other than individual	ual
		40-399 gm mixture	Fentanyl	400 gm or more mixture		
		10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture		

\*The Controlled Substances Act (1970) places all substances regulated under federal law into one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability.

### Federal Trafficking Penalties (As of January 1, 1996)

Controlled Substances Act Schedule	Drug	Quantity	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
<b>I and II</b>	Others (law does not include marijuana, hashish, or has oil)	Any	*Not ore than 20 years  *If death or serous injury, not less than 20 years, not more than life  *Fine \$1 million individual, \$5 million not individual	*Not ore than 30 years  *If death or serious injury, life  *Fine \$2 million individual, \$10 million not individual
<b>III</b>	All (included	Any	*Not more	*Not more

	in Schedule II are anabolic steroids, codeine and hydrocodone with aspirin or Tylenol, and some barbiturates)		than 5 years  *Fine not more than \$250,000 individual, 41 million not individual	than 10 years  *Fine not more than \$500,000 individual, \$2 million not individual
<b>IV</b>	All (included in Schedule IV are Darvon, Talwin, Equanil, Valium, and Xanax	Any	*Not more than 3 years  *Fine note more than \$250,000 individual, \$1 million not individual	*Not more than 6 years  *Fine not more than \$500,000 individual, \$2 million not individual
<b>V</b>	All (over-the-counter cough medicines with codeine are classified in Schedule V)	Any	*Not more than 1 year  *Fine not more than \$100,000 individual, \$250,000 not individual	*Not more than 2 years  *Fine note more than \$200,000 individual, \$500,000 not individual

**Federal Trafficking Penalties – Marijuana (includes hashish and hashish oil)**

**(As of January 1, 1996)**

<b>Description</b>	<b>Quantity</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>
<b>Marijuana</b>	1,000 kg or ore mixture; or 1,000 or more plants	*Not less than 10 years, not more than life  * If death or serous injury, not less than 20 years, not ore than life  *Fine not more than \$4 million individual, \$10 million other than individual	*Not less than 20 years, not more than life  * If death or serous injury, not more than life  *Fine not more than \$8 million individual, \$20 million other than individual
<b>Marijuana</b>	100 kg to 999 kg mixture; or 100 – 999 plants	*Not less than 5 years, not ore than 40 years  * If death or serous injury, not less than 20 years, not ore than life  *Fine not ore than \$2 million individual, \$5 million other than individual	*Not less than 10 years, not ore than life * If death or serous injury, not more than life  *Fine not more than \$4 million individual, \$10 million other than individual
<b>Marijuana</b>	50 to 99 kg mixture; 50 to 99 plants	*Not more than 20 years  * If death or serous injury, not less than 20 years, not more than life  *Fine \$1 million individual, \$5 million other than individual	*Not more than 30 years  * If death or serious injury, not ore than life  *Fine \$2 million individual, \$10 million other than individual
<b>Marijuana</b>	Less than 50 kg mixture	*Not ore than 5	*Not more than 10

<b>Hashish</b>	10 kg or more	years	years
<b>Hashish Oil</b>	1 kg or more	*Fine not ore than \$250,000, \$1 million other than individual	*Fine 4500,000 individual, \$2 million other than individual

**Federal Penalties and Sanction s for Illegal Trafficking and Possession of a Controlled Substance**

**21U.S.C. 844(a)**

1<sup>st</sup> 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 provision 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(a)(2) and 881(a)(7)**

Forfeiture of personal and real property used to possess or to 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(a)(4)**

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

**21 U.S.C. 844a**

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

**21 U.S.C. 853a**

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.*