

Legal Sanctions for Drugs and Alcohol

Legal sanctions regarding unlawful use, possession, or distribution of alcoholic beverages and illicit drugs.

1. State Offenses: Activities which violate Alabama laws concerning illicit possession, use, and distribution of alcoholic beverages or drugs include, but are not limited to, the following:

- Schedule I consists primarily of “street drugs” such as heroin, morphine, marijuana, LSD, mescaline, etc. Schedule II includes opium, cocaine, and methadone, among other illicit drugs.
- Schedule III drugs include those which have less potential for abuse than Schedule I or II, and those substances with the least potential for abuse are included in Schedules IV and V.

The Schedules may be found in Code of Alabama (1975), sec. 20-2-23, et seq.

- Public intoxication is punishable by up to 30 days in jail. (Code of Alabama [1975] sec. 13A-11-10).
- Possession, consumption, or transportation of an alcoholic beverage by a person of less than 21 years of age is punishable by a fine of \$25 - \$100 or a 30 day jail term. (Code, sec. 28-1-5).
- Possession or distribution of an alcoholic beverage in a dry county is punishable by a fine of \$50 - \$100 and, in the discretion of the judge, a jail sentence of up to six (6) months. (Code, sec. 28-4-20, et seq).
- Possession of an alcoholic beverage illegally manufactured or illegally brought into the State of Alabama is punishable by a fine of \$100 - \$1,000 plus, in the discretion of the judge, a jail sentence of up to six (6) months. (Code, sec. 28-1-1).
- Driving or being in actual physical control of a vehicle while under the influence of alcohol or other drugs is punishable upon the first conviction, by a fine of \$250 - \$1,000 and/or one year in jail plus suspension of driver's license for 90 days. (Code, sec. 32-5A-191).
- Possession of marijuana for personal use is punishable by a fine of up to \$2,000 and/or a jail sentence of up to one year. (Code, sec 13A-12-214).
- Possession of marijuana for other than personal use is punishable by a fine of up to \$5,000 and a prison sentence of not more than ten years. (Code, sec. 13A-12-213).
- The selling, furnishing, or giving away, manufacturing, delivery or distribution of a controlled substance listed in Schedules I-V of the Alabama Controlled Substance Act is punishable by a fine of up to \$10,000 and/or a prison term of not more than 20 years. (Code, sec. 13A-12-211).
- The selling, furnishing, or giving by a person 18 years or older to a person under the age of 18 years of age any controlled substance listed in Schedules I-V of the Alabama Controlled Substance Act is punishable by a fine of up to \$20,000 and/or prison term of up to life. (Code, sec. 13A-12-215).
- Possession of a controlled substance enumerated in Schedule I-V is punishable by a fine of not more than \$5,000 and/or a prison term of not more than 10 years. (Code, sec. 13-12-212).
- Conviction for an unlawful sale of a controlled substance in or, within a three-mile radius of, an educational institution brings with it an additional penalty of 5 years of imprisonment with no provision for parole. (Code, sec. 13A-12-250).
- The use, or possession with intent to use, of drug paraphernalia is punishable by up to three months in jail and/ or a fine of up to \$500. (Code, sec. 13A-12-260).
- The sale or delivery of, or possession with the intent to sell or deliver, drug paraphernalia is punishable by no more than 10 years in prison and/or fine of up to \$5,000. If delivery or sale is to a person under 18 years of age, it is punishable by up to 20 years in prison and/or a fine of up to \$10,000. (Code, sec. 13A-12-260). Penalties for subsequent violations of the above described provisions are progressively more severe than the initial convictions.

2. Federal Offenses: Activities which violate Federal laws concerning illicit possession, use, and distribution of alcoholic beverages and drugs include, but are not limited to, the following: 21 U.S.C. 841 makes it a crime:

- to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or
- to create, distribute, or dispense, or counterfeit substance. (The U.S. Code establishes, and authorizes the U.S. Attorney General to revise as needed, classifications of controlled substances. The drugs are each classified in one or

more of five “schedules,” Schedule I being comprised essentially of “street drugs” and Schedule V being comprised of drugs with a “low potential for abuse” when compared with drugs in Schedule I-IV. Examples of Schedule I drugs are heroin and marijuana. PCP, for example, is a Schedule II drug. Amphetamine is a Schedule III drug, while Barbitol is a Schedule IV drug. An example of Schedule V drug would be a prescription medication with not more than 200 mg. of codeine per 100 grams).

The penalties for a first offense conviction of violating the laws described in items (1) and (2) above are:

- In case of a Schedule I or II drug which is a narcotic drug, not more than fifteen (15) years in prison, a fine or not more than \$25,000, or both.
- In the case of a Schedule I or II drug which is not a narcotic drug or in the case of a Schedule III drug, not more than five (5) years in prison, a fine of not more than \$15,000 or both.
- In the case of a Schedule IV drug, not more than three (3) years in prison, a fine of not more than \$10,000 or both.
- In the case of a Schedule V drug, not more than one (1) year in prison, a fine of not more than \$5,000 or both.
- Notwithstanding subparagraphs (a) through (b) above, the distribution of a small amount of marijuana for no remuneration is punishable by imprisonment of not more than one (1) year and/or a fine of not more than \$5,000.
- Notwithstanding subparagraph (a) through (b) above, the manufacture, possession, or distribution, or intent to manufacture, possess, or distribute phencyclidine (PCP, “angel dust”) is punishable by up to ten (10) years in prison and/or a fine of not more than \$25,000. Penalties for subsequent violations of these provisions are progressively more severe than for initial convictions.

3. Local Ordinances: The State of Alabama Code has been adopted locally.