

## **Drug and Alcohol Penalties and Sanctions – State and Federal Penalties and Sanctions**

### ***State of Kentucky Sanctions***

*Penalties of Kentucky Law for Driving under the Influence (KRS 189)* Sanctions of violation of state alcohol laws vary from a fine of \$10.00 to \$2,000.00, and or a sentence of forty eight hours to 12 months in jail, and suspension of one's drivers' license and or a requirement for community service or substance abuse treatment. In Kentucky, a blood alcohol level measurement of 0.08 percent alcohol or greater is sufficient for arrest or conviction for driving under the influence; intoxication does not have to be proved. The schedule of Kentucky state penalties for driving under the influence is summarized below.

#### ***First offense within 5 Years***

- (1) Penalties- \$200 to \$500 fine and/or 48 hours to 30 days jail. Community labor of 48 hours to 30 days may be substituted for fine or jail. If aggravating circumstance present at commission of offense, there is a mandatory minimum of four days imprisonment.
- (2) Cost and Fees- Court costs, DUI service fee, treatment program fee, county fees and state fees.
- (3) Alcohol or Substance Abuse Treatment Program- 90 days.
- (4) License Revoked- 30-120 days (or until defendant reaches age 18, whichever is longer). May apply for hardship license after minimum suspension period expires.

#### ***Second offense within 5 Years***

- (1) Penalties- \$350 to \$500 fine and 7 days to 6 months in jail and the court may order 10 days to 6 months community labor. Must serve a minimum of jail and/or community labor. If aggravating circumstance present mandatory minimum term of imprisonment shall be 14 days.
- (2) Cost and Fees- Court costs, DUI service fee, treatment program fee, county fees and state fees.
- (3) Alcohol or Substance Abuse Treatment Program- 1 year
- (4) License Revoked- 12 months to 18 months (or until defendant reaches age 18, whichever is longer). May apply for hardship license after minimum suspension period expires.

#### ***Third offense within 5 Years***

- (1) Penalties- \$500 to \$1000 fine and 30 days to 12 months jail and court may order 10 days to 12 months community labor. Must service a minimum of jail and/or community labor. If aggravating circumstance present mandatory minimum term of imprisonment shall be 60 days.
- (2) Court costs and fees- court costs, DUI service fee, treatment program fee, county fees and state fees.
- (3) Alcohol or Substance Abuse Treatment Program- 1 year
- (4) License revoked- 24 months to 36 months. May apply for hardship license after minimum suspension period expires.

#### ***Fourth or Subsequent offense within 5 Years***

- (1) Penalties- 1 to 5 years (class D felony). Must serve 120 days. If aggravating circumstances mandatory minimum term of imprisonment shall be 240 days.
- (2) Cost and Fees- Court cost, DUI service fee, treatment program fee, county fees and state fees.
- (3) Alcohol or Substance Abuse Treatment Program- 1 year
- (4) License Revoked- 5 years. No hardship license
- (5) License plate impoundment or installation of ignition interlock devise.

### ***Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance***

**21 U.S.C. 844(a)** 1st 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. Two 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 exceed 5 grams. (b) 2nd crack conviction and the amount of crack possessed exceed 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. *Additional Federal drug trafficking penalties are listed below. Additional state penalties and sanctions may apply*

## Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance

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.

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.
			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	If death or serious injury, not less than 20 years or more than life	If death or serious injury, not less than life.
			5-49 gm mixture	Cocaine Base	50 gm or more mixture		
			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 \$2 million individual, \$5 million other than individual	Fine of not more than \$4 million individual, \$10 million other than individual	1-9 gm mixture	LSD	10 gm or more mixture	Fine of not more than \$4 million individual, \$10 million other than individual	Fine of not more than \$8 million individual, \$20 million other than individual
			40-399 gm mixture	Fentanyl	400 gm or more mixture		
		10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture			

Controlled Substances Act Schedule	Drug	Quantity	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
I and II	Others (law does not include marijuana, hashish, or hash oil)	Any	Not more than 20 years  If death or serious injury, not less than 20 years, not more than life  Fine \$1 million individual, \$5 million not individual	Not more than 30 years  If death or serious injury, life  Fine \$2 million individual, \$10 million not individual
III	All (included in Schedule III are anabolic steroids, codeine and hydrocodone with aspirin or Tylenol ®, and some barbiturates)	Any	Not more than 5 years  Fine not more than \$250,000 individual, \$1 million not individual	Not more than 10 years  Fine not more than \$500,000 individual, \$2 million not individual
IV	All (included in Schedule IV are Darvon ®, Talwin ®, Equanil ®, Valium ®, and Xanax ®)	Any	Not more than 3 years  Fine not 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
V	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 not more than \$200,000 individual, \$500,000 not individual

Description	Quantity	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
Marijuana	100,000 kg or more mixture; or 1,000 or more plants	<p>Not less than 10 years, not more than life</p> <p>If death or serious injury, not less than 20 years, not more than life</p> <p>Fine not more than \$4 million individual, \$10 million other than individual</p>	<p>Not less than 20 years, not more than life</p> <p>If death or serious injury, not more than life</p> <p>Fine not more than \$8 million individual, \$20 million other than individual</p>
Marijuana	100 kg to 999 kg mixture or 100-999 plants	<p>Not less than 5 years, not more than 40 years</p> <p>If death or serious injury, not less than 20 years, not more than life</p> <p>Fine not more than \$2 million individual, \$5 million other than individual</p>	<p>Not less than 10 years, not more than life</p> <p>If death or serious injury, not more than life</p> <p>Fine not more than \$4 million individual, \$10 million other than individual</p>
Marijuana	50 to 99 kg mixture or 50 to 99 plants	<p>Not more than 20 years</p> <p>If death or serious injury, not less than 20 years, not more than life</p> <p>Fine not more than \$1 million individual, \$5 million other than individual</p>	<p>Not more than 30 years</p> <p>If death or serious injury, not more than life</p> <p>Fine not more than \$2 million individual, \$10 million other than individual</p>
Marijuana	Less than 50 kg mixture	Not more than 5 years	Not more than 10 years
Hashish	10 kg or more		
Hashish Oil	1 kg or more	<p>Fine not more than \$250,000 individual, \$1 million other than individual</p>	<p>Fine \$500,000 individual, \$2 million other than individual</p>