

SUMMARY OF FEDERAL AND STATE DRUG LAWS

FEDERAL DRUG LAWS

Possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. Penalties increase significantly where use of the illicit drugs results in death or serious bodily injury. The following information, although not complete, is an overview of federal penalties for first convictions.

Federal Drug Possession Penalties (21 USC §844)

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section844&num=0&edition=prelim>

Persons convicted of illegally possessing any controlled substance face penalties of up to 1 year in a prison and a minimum fine of \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

Special sentencing provisions for possession of Flunitrazepam (Rohypnol, “roofies” or “roaches”) impose a prison term of up to 3 years, a fine, or both.

Civil penalties of up to \$10,000 may also be imposed for possession of controlled substances, whether or not criminal prosecution is pursued. Persons convicted of possession may also be fined for the reasonable costs of the investigation and prosecution of the offense. Penalties for possession with intent to distribute are potentially even more severe.

Drug Paraphernalia (21 USC §863)

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section863&num=0&edition=prelim>

Persons convicted on federal charges of the sale, import, export, or shipping of drug paraphernalia face penalties of up to 3 years in prison and a monetary fine.

Forfeiture of Personal Property, Real Estate (21 USC §853)

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section853&num=0&edition=prelim>

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. Property may be seized upon arrest on charges that may result in forfeiture.

Denial of Federal Benefits (21 USC §862)

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section862&num=0&edition=prelim>

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to 5 years for a first conviction, 10 years for a second conviction, and permanent denial of federal benefits for a third conviction. Federal drug convictions for possession may result in denial of federal benefits for up to 1 year for a first conviction and up to 5 years for subsequent convictions.

Drug Trafficking (21 USC §841)

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section841&num=0&edition=prelim>

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substances involved in the transaction. The tables below summarize penalty information for several types of controlled substances. Persons who violate federal drug trafficking laws within 1,000 feet of a university may face penalties or prison terms and fines up to twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year (21 USC §860).

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: 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. Second Offense: 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.	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 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		First Offense: Not more than 20 yrs. imprisonment; but if death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine not to exceed \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		Second Offense: Not more than 30 yrs. imprisonment; but if death or serious bodily injury, life imprisonment. Fine not to exceed \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 Gram or less				

Any Amount Of Other Schedule III Drugs	<p>First Offense: Not more than 10 yrs. imprisonment; but if death or serious bodily injury, not more than 15 yrs. imprisonment. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. imprisonment; but if death or serious injury, not more than 30 yrs. imprisonment. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p>First Offense: Not more than 5 yrs. imprisonment. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. imprisonment. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Any Amount Of All Schedule V Drugs	<p>First Offense: Not more than 1 yr. imprisonment. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. imprisonment. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p>First Offense: Not less than 10 yrs. or more than life imprisonment; but if death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p>Second Offense: Not less than 20 yrs. or more than life imprisonment; but if death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
Marijuana 100-999 kilograms marijuana mixture or 100-999 marijuana plants	<p>First Offense: Not less than 5 yrs. or more than 40 yrs. imprisonment; but if death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p>Second Offense: Not less than 10 yrs. or more than life imprisonment; but if death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.</p>
Marijuana 50-99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p>First Offense: Not more than 20 yrs. imprisonment; but if death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine not more than \$1 million if an individual, \$5 million if other than an individual.</p> <p>Second Offense: Not more than 30 yrs. imprisonment; but if death or serious bodily injury, life imprisonment. Fine not more than \$2 million if an individual, \$10 million if other than an individual.</p>
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants	<p>First Offense: Not more than 5 yrs. imprisonment. Fine not more than \$250,000 if an individual, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. imprisonment. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Hashish 10 kilograms or less	

Hashish Oil 1 kilogram or less	
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WASHINGTON STATE DRUG LAWS ([RCW 69.50](#))

The following is a partial list of drugs considered to be controlled substances by the State of Washington: narcotics (opium, cocaine, and heroin); marijuana; methamphetamine; barbiturates; and hallucinogenic substances (LSD, peyote, mescaline, psilocybin, PCP, THC, MDA, STP). The following is a partial list of acts prohibited by Washington state law:

- Illegal Sale of Controlled Substances
- Illegal Manufacture or Delivery of Controlled Substances
- Illegal Possession of Controlled Substances
- Possession of more than 1 oz. of marijuana
- Use, delivery, or possession of drug paraphernalia

More severe penalties are provided for persons convicted of providing controlled substances to minors, for repeat offenses, and for providing controlled substances in or near schools or parks. See below for a table that summarizes certain penalties for state drug law violations.

Violation	Amount	Penalty
Manufacture, deliver or sell less than 2 kg of a Schedule I or Schedule II Narcotic	Less than 2 kg	<u>Prison</u> : Not more than 10 years <u>Fine</u> : Not more than \$25,000
Manufacture, deliver or sell 2 kg or more of a Schedule I or Schedule II Narcotic	2 kg or more	<u>Prison</u> : Not more than 10 years <u>Fine</u> : Not more than \$100,000 for the first 2 kg and \$50 for each additional gram
Manufacture, deliver or sell any other controlled substance classified in Schedule I, II, III, IV or V	Any	<u>Prison</u> : Not more than 5 years <u>Fine</u> : Not more than \$10,000
Possession of a controlled substance	Any	<u>Prison</u> : Not more than 5 years <u>Fine</u> : Not more than \$10,000