

# 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

