

## CAMPUS CRIME AND SECURITY

In compliance with Federal laws, Miami Media School makes the following information available to all students, staff and applicants.

### **Reporting of Criminal Activities and Emergencies:**

Any criminal activity or emergency on school property is to be reported immediately to the Campus Director, or any other staff member. School officials will immediately notify the appropriate local law enforcement officials or authority.

### **Campus Criminal Activity**

Campus Security Authorities and/or local police agencies have received the following reports on criminal activities on campus within the last three (3) years:

<u>Criminal Offense</u>	<u>Total occurrences on-campus</u>		
	<u>2011</u>	<u>2012</u>	<u>2013</u>
a. Murder/Non-negligent manslaughter	n/a	n/a	0
b. Forcible sex offenses (including forcible rape)	n/a	n/a	0
c. Non-forcible sex offenses	n/a	n/a	0
d. Robbery	n/a	n/a	0
e. Aggravated assault	n/a	n/a	0
f. Burglary	n/a	n/a	0
g. Motor vehicle theft	n/a	n/a	0
h. Arson	n/a	n/a	0
i. Negligent manslaughter	n/a	n/a	0
j. Hate Crimes	n/a	n/a	0
k. Domestic Violence	-	-	0
l. Dating Violence	-	-	0
m. Stalking	-	-	0

### **Arrests- On-campus Crime**

	<u>Number of Arrests</u>		
	<u>2011</u>	<u>2012</u>	<u>2013</u>
a. Liquor law violations	n/a	n/a	0
b. Drug abuse violations	n/a	n/a	0
c. Weapons possession	n/a	n/a	0

### **Disciplinary Actions/Judicial Referrals**

<u>Crime</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
a. Liquor law violations	n/a	n/a	0
b. Drug abuse violations	n/a	n/a	0
c. Weapons possession	n/a	n/a	0

n/a – Campus's first year of operation was 2013



## OHIO CENTER FOR BROADCASTING

9885 Rockside Rd., Suite 160  
Valley View, Ohio 44125  
(216) 503-5900 • Fax (216) 642-9232  
Email: OCB@beonair.com

Owned, operated and staffed by  
professional broadcasters  
Robert Mills, President  
Website • [www.beonair.com](http://www.beonair.com)

*Partial Listing of Stations  
Where OCB Alumni Have  
Been Employed...*

WAKR  
WONE  
WHLO  
WKDD  
WNIR  
WQMX  
WSLR  
WDPN  
WZKL  
WNCO  
WFUN  
WREO  
WZOO  
WKHR  
WHBC  
WRQK  
WTOF  
WATJ  
WABQ  
WDOK  
WERE  
WNCX  
WGAR  
WHK  
WMMS  
WJMO  
WKNR  
WLTF  
WMJI  
WQAL  
WRDZ  
WRMR  
WWWE  
WZAK  
WZLW  
WJER  
WEOL  
WNWV  
WZLE  
WTIG  
WLKR  
WVAC  
WOBL  
WLEC  
WCPZ  
WKKR  
WELW  
WOKT  
WBKC  
WKTX  
WSTB  
WYNT  
WKYC-TV  
WEWS-TV  
WUAB-TV  
WJW-TV  
WVIZ-TV  
WOHS-TV  
WAKC-TV  
WOAC-TV  
ESPN-TV  
COX CABLE  
CABELVISION  
SPORTSVIEW  
CLASSIC VIDEO  
METRO-TRAFFIC

## MIAMI MEDIA SCHOOL Drug Free Policy

Dear Employee/Student:

Federal regulations require that, as a condition of the Miami Media School's students receiving any form of financial assistance under any federal programs, the school must certify to the Federal Government that it has implemented a drug prevention program which will include:

- A. The annual distribution in writing to each employee, and to each student who is taking one or more classes for any type of academic credit regardless of the length of the student's program of study.
- B. A copy of the Miami Media School's Drug Free Program to prevent the illicit use of drugs and the abuse of alcohol by students and employees and Crime Awareness and Campus Security Policies and Statistics.

It is imperative that each employee and student acknowledge and agree to the terms and conditions of the Miami Media School's Drug Free Policy.

Sincerely

Robert Mills  
President

## DRUG FREE POLICY

All employees and students are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of illegal drugs is prohibited at the

For conditions of this statement, the Miami Media School includes:

- A) 901 South Miami Ave., Miami, Florida and its grounds and parking lots.

For conditions of this statement, illegal drugs include the following non-prescription substances:

- |                  |   |
|------------------|---|
| A) NARCOTICS     | Opium, Heroin, Morphine and synthetic substitutes.        |
| B) DEPRESSANTS   | Chloralhydrate, Barbiturates, and Methaqualone            |
| C) STIMULANTS    | Cocaine (and derivatives such as crack) and Amphetamines. |
| D) HALLUCINOGENS | LDS, Mescaline, PCP, Peyote, Psilocybin and MDMA.         |
| E) CANNABIS      | Marijuana and Hashish.                                    |

## INSTITUTIONAL SANCTIONS

- 1) For any violation of the codes of conduct, the Miami Media School will require appropriate sanctions on students or employees, including:
  - A) Expulsion or Termination and referral to the proper authorities for prosecution when appropriate, or
  - B) Require such employee or student to participate satisfactorily in an alcohol and/or drug abuse rehabilitation program approved for such purpose by Federal, State or Health, Law Enforcement or other appropriate agency.
- 2) For any second violation of the codes of conduct the employee or student will be immediately terminated and referred to the proper authorities.
- 3) Extreme cases may be treated differently and will be judged strictly on an individual basis, solely up to the discretion of the director.

\*Refusal to abide by institutional sanction will result in termination of student or employee and referral to the proper authorities.

A description of the health risks associated with the use of illicit drugs and abuse of alcohol must be read through, from the following Appendix B.

### ALCOHOL EFFECTS

#### 1) Doses:

Low	Impaired judgement, significantly decreasing the ability to drive a car making it a greater likelihood to get into an accident.
Low to Moderate	Increased aggressiveness, including spouse and child abuse.
Moderate to High	Impairment in higher functions affecting memory and learning abilities.
Very High	Death

#### 2) Repeated Use:

- A) Suddenly Stop Drinking-Withdrawal Symptoms-Severe anxiety, tremors, hallucinations, and convulsions.
- B) Long Term Consumption-Could lead to permanent damage of vital organs such as brain and liver.

Legal sanction for unlawful possession use, distribution of alcohol and/or drugs can range from fines to imprisonment or both, depending on the seriousness of the offense. Any individual found violating an offense on the Miami Media School grounds will be prosecuted to the fullest extent of the law.

A list of applicable Federal, State and City laws for the unlawful possession, use and distribution of alcohol and/or drugs are enclosed.

When deemed necessary for a student or employee to seek treatment for their particular alcohol or drug disease, the Miami Media School will assist when possible in recommending options for counseling, treatment or rehabilitation programs. Employees or students can either see the director directly or pick up the brochures readily available in the cafeteria for local program centers.

Select Year:

2012

Go

## The 2012 Florida Statutes

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[Title XLVI](#)  
CRIMES

[Chapter 893](#)

[View Entire Chapter](#)

### DRUG ABUSE PREVENTION AND CONTROL

#### **893.13 Prohibited acts; penalties.—**

(1)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. [893.03\(1\)\(a\)](#), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
2. A controlled substance named or described in s. [893.03\(1\)\(c\)](#), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
3. A controlled substance named or described in s. [893.03\(5\)](#) commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. [893.03\(1\)\(a\)](#) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(c) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility as defined in s. [402.302](#) or a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 midnight, or at any time in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility. For the purposes of this paragraph, the term “community center” means a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services to the public. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. [893.03\(1\)\(a\)](#), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). The defendant must be sentenced to a minimum term of imprisonment of 3 calendar years unless the offense was committed within 1,000 feet of the real property comprising a child care facility as defined in s. [402.302](#).
2. A controlled substance named or described in s. [893.03\(1\)\(c\)](#), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

This paragraph does not apply to a child care facility unless the owner or operator of the facility posts a sign that is not less than 2 square feet in size with a word legend identifying the facility as a licensed child care facility and that is posted on the property of the child care facility in a conspicuous place where the sign is reasonably visible to the public.

(d) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary educational institution. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. [893.03\(1\)\(a\)](#), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
2. A controlled substance named or described in s. [893.03\(1\)\(c\)](#), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(e) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in s. [812.171](#). Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. [893.03\(1\)\(a\)](#), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
2. A controlled substance named or described in s. [893.03\(1\)\(c\)](#), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(f) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public housing facility at any time. For purposes of this section, the term “real property comprising a public housing facility” means real property, as defined in s. [421.03\(12\)](#), of a public corporation created as a housing authority pursuant to part I of chapter 421. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. [893.03\(1\)\(a\)](#), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
2. A controlled substance named or described in s. [893.03\(1\)\(c\)](#), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(g) Except as authorized by this chapter, it is unlawful for any person to manufacture methamphetamine or phencyclidine, or possess any listed chemical as defined in s. [893.033](#) in violation of s. [893.149](#) and with intent to

manufacture methamphetamine or phencyclidine. If any person violates this paragraph and:

1. The commission or attempted commission of the crime occurs in a structure or conveyance where any child under 16 years of age is present, the person commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). In addition, the defendant must be sentenced to a minimum term of imprisonment of 5 calendar years.

2. The commission of the crime causes any child under 16 years of age to suffer great bodily harm, the person commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). In addition, the defendant must be sentenced to a minimum term of imprisonment of 10 calendar years.

(h) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in chapter 429. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. [893.03\(1\)\(a\)](#), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

2. A controlled substance named or described in s. [893.03\(1\)\(c\)](#), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(2)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. [893.03\(1\)\(a\)](#), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

2. A controlled substance named or described in s. [893.03\(1\)\(c\)](#), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

3. A controlled substance named or described in s. [893.03\(5\)](#) commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. [893.03\(1\)\(a\)](#) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(3) Any person who delivers, without consideration, not more than 20 grams of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). For the purposes of this paragraph, "cannabis" does not include the resin extracted from the plants of the genus *Cannabis* or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(4) Except as authorized by this chapter, it is unlawful for any person 18 years of age or older to deliver any controlled substance to a person under the age of 18 years, or to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

(a) A controlled substance named or described in s. [893.03\(1\)\(a\)](#), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(b) A controlled substance named or described in s. [893.03\(1\)\(c\)](#), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).



Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.

(5) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice or to be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter. Any person who violates this provision commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the offense is the possession of not more than 20 grams of cannabis, as defined in this chapter, or 3 grams or less of a controlled substance described in s. 893.03(1)(c)46.-50. and 114.-142., the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subsection, "cannabis" does not include the resin extracted from the plants of the genus *Cannabis*, or any compound manufacture, salt, derivative, mixture, or preparation of such resin, and a controlled substance described in s. 893.03(1)(c)46.-50. and 114.-142. does not include the substance in a powdered form.

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.

(7)(a) A person may not:

1. Distribute or dispense a controlled substance in violation of this chapter.
2. Refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this chapter.
3. Refuse entry into any premises for any inspection or refuse to allow any inspection authorized by this chapter.
4. Distribute a controlled substance named or described in s. 893.03(1) or (2) except pursuant to an order form as required by s. 893.06.
5. Keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.
6. Use to his or her own personal advantage, or reveal, any information obtained in enforcement of this



chapter except in a prosecution or administrative hearing for a violation of this chapter.

7. Possess a prescription form which has not been completed and signed by the practitioner whose name appears printed thereon, unless the person is that practitioner, is an agent or employee of that practitioner, is a pharmacist, or is a supplier of prescription forms who is authorized by that practitioner to possess those forms.

8. Withhold information from a practitioner from whom the person seeks to obtain a controlled substance or a prescription for a controlled substance that the person making the request has received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner within the previous 30 days.

9. Acquire or obtain, or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

10. Affix any false or forged label to a package or receptacle containing a controlled substance.

11. Furnish false or fraudulent material information in, or omit any material information from, any report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

12. Store anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold anhydrous ammonia or is not constructed in accordance with sound engineering, agricultural, or commercial practices.

13. With the intent to obtain a controlled substance or combination of controlled substances that are not medically necessary for the person or an amount of a controlled substance or substances that is not medically necessary for the person, obtain or attempt to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this subparagraph, a material fact includes whether the person has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph 8.

(b) A health care practitioner, with the intent to provide a controlled substance or combination of controlled substances that are not medically necessary to his or her patient or an amount of controlled substances that is not medically necessary for his or her patient, may not provide a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this paragraph, a material fact includes whether the patient has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph (a)8.

(c) Any person who violates the provisions of subparagraphs (a)1.-7. commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#); except that, upon a second or subsequent violation, the person commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(d) Any person who violates the provisions of subparagraphs (a)8.-12. commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(e) A person or health care practitioner who violates the provisions of subparagraph (a)13. or paragraph (b) commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), if any controlled substance that is the subject of the offense is listed in Schedule II, Schedule III, or Schedule IV.

(8)(a) Notwithstanding subsection (9), a prescribing practitioner may not:

1. Knowingly assist a patient, other person, or the owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practice of the prescribing practitioner's professional practice;

2. Employ a trick or scheme in the practice of the prescribing practitioner's professional practice to assist a

patient, other person, or the owner of an animal in obtaining a controlled substance;

3. Knowingly write a prescription for a controlled substance for a fictitious person; or

4. Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing such prescription is to provide a monetary benefit to, or obtain a monetary benefit for, the prescribing practitioner.

(b) If the prescribing practitioner wrote a prescription or multiple prescriptions for a controlled substance for the patient, other person, or animal for which there was no medical necessity, or which was in excess of what was medically necessary to treat the patient, other person, or animal, that fact does not give rise to any presumption that the prescribing practitioner violated subparagraph (a)1., but may be considered with other competent evidence in determining whether the prescribing practitioner knowingly assisted a patient, other person, or the owner of an animal to obtain a controlled substance in violation of subparagraph (a)1.

(c) A person who violates paragraph (a) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Notwithstanding paragraph (c), if a prescribing practitioner has violated paragraph (a) and received \$1,000 or more in payment for writing one or more prescriptions or, in the case of a prescription written for a controlled substance described in s. 893.135, has written one or more prescriptions for a quantity of a controlled substance which, individually or in the aggregate, meets the threshold for the offense of trafficking in a controlled substance under s. 893.15, the violation is reclassified as a felony of the second degree and ranked in level 4 of the Criminal Punishment Code.

(9) The provisions of subsections (1)-(8) are not applicable to the delivery to, or actual or constructive possession for medical or scientific use or purpose only of controlled substances by, persons included in any of the following classes, or the agents or employees of such persons, for use in the usual course of their business or profession or in the performance of their official duties:

(a) Pharmacists.

(b) Practitioners.

(c) Persons who procure controlled substances in good faith and in the course of professional practice only, by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale.

(d) Hospitals that procure controlled substances for lawful administration by practitioners, but only for use by or in the particular hospital.

(e) Officers or employees of state, federal, or local governments acting in their official capacity only, or informers acting under their jurisdiction.

(f) Common carriers.

(g) Manufacturers, wholesalers, and distributors.

(h) Law enforcement officers for bona fide law enforcement purposes in the course of an active criminal investigation.

(10) If a person violates any provision of this chapter and the violation results in a serious injury to a state or local law enforcement officer as defined in s. 943.10, firefighter as defined in s. 633.30, emergency medical technician as defined in s. 401.23, paramedic as defined in s. 401.23, employee of a public utility or an electric utility as defined in s. 366.02, animal control officer as defined in s. 828.27, volunteer firefighter engaged by state or local government, law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee injured during the course and scope of his or her employment, the person commits

a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). If the injury sustained results in death or great bodily harm, the person commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

**History.**—s. 13, ch. 73-331; s. 1, ch. 76-200; s. 1, ch. 77-174; s. 2, ch. 79-1; s. 3, ch. 79-325; s. 5, ch. 80-30; s. 2, ch. 80-70; s. 490, ch. 81-259; s. 2, ch. 82-16; s. 52, ch. 83-215; s. 1, ch. 84-77; s. 5, ch. 85-242; s. 4, ch. 87-243; s. 2, ch. 88-381; s. 4, ch. 89-281; s. 1, ch. 89-524; ss. 1, 6, ch. 90-111; s. 1, ch. 93-59; s. 2, ch. 93-92; s. 1, ch. 93-194; ss. 22, 23, ch. 93-406; s. 2, ch. 96-360; s. 2, ch. 97-1; s. 1, ch. 97-43; s. 1827, ch. 97-102; s. 22, ch. 97-194; s. 106, ch. 97-264; s. 1, ch. 97-269; s. 47, ch. 97-271; s. 1, ch. 98-22; s. 1, ch. 99-154; s. 14, ch. 99-186; s. 3, ch. 2000-320; s. 11, ch. 2002-78; s. 2, ch. 2002-81; s. 3, ch. 2003-10; s. 1, ch. 2003-95; s. 2, ch. 2005-128; s. 108, ch. 2006-197; s. 2, ch. 2006-306; s. 2, ch. 2008-88; s. 6, ch. 2010-113; ss. 3, 4, ch. 2011-73; s. 2, ch. 2011-90; s. 26, ch. 2011-141; s. 2, ch. 2012-23.

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# **Drug Offenses: Maximum Fines and Terms of Imprisonment for Violation of the Federal Controlled Substances Act and Related Laws**

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## Summary

This is a chart of the maximum fines and terms of imprisonment that may be imposed as a consequence of conviction for violation of the federal Controlled Substances Act (CSA) and other drug supply and drug demand related laws.

It lists the penalties for: heroin, cocaine, crack, PCP, LSD, marihuana (marijuana), amphetamine, methamphetamine, listed (precursor) chemicals, paraphernalia, date rape drugs, rave drugs, designer drugs, ecstasy, drug kingpins, as well as the other substances including narcotics and opiates assigned to Schedule I, Schedule II, Schedule III, Schedule IV, and Schedule V of the Controlled Substances Act and the Controlled Substances Import and Export Act (Title II and Title III of the Comprehensive Drug Abuse and Control Act).

It maps the penalty structure for violations of 21 U.S.C. 841 (drug trafficking), 21 U.S.C. 841(b)(5) (cultivation on federal property), 21 U.S.C. 841(b)(6) (environmental damage from illegal manufacturing), 21 U.S.C. 841(b)(7) (crime of violence), 21 U.S.C. 841(c) (offenses involving listed chemicals), 21 U.S.C. 841(d) (booby traps on federal lands), 21 U.S.C. 841(f) (distribution/possession of listed chemicals), 21 U.S.C. 841(g) (Internet sales of date rape drugs), 21 U.S.C. 841(h) (dispensing controlled substances that are prescription drugs by means of the Internet), 21 U.S.C. 842 (regulatory offenses), 21 U.S.C. 843 (communications-related offenses), 21 U.S.C. 844 (simple possession), 21 U.S.C. 846, 963 (attempt and conspiracy), 21 U.S.C. 849 (drug dealing at truck stops), 21 U.S.C. 848 (continuing criminal enterprises (CCE)), 21 U.S.C. 854, 855 (investment of illicit drug profits), 21 U.S.C. 856 (establishing manufacturing operations), 21 U.S.C. 858 (endangering human life), 21 U.S.C. 859 (distribution to infants, minors, children, juveniles, and those under 18 years of age), 21 U.S.C. 860 (distribution in school zones), 21 U.S.C. 861 (distribution to pregnant women), 21 U.S.C. 863 (trafficking in drug paraphernalia), 21 U.S.C. 864 (theft of anhydrous ammonia, or transportation of stolen anhydrous ammonia), 21 U.S.C. 865 (smuggling methamphetamine into the United States), 21 U.S.C. 960 (illicit drug import and export), 21 U.S.C. 960a (narco-terrorism), 21 U.S.C. 962 (recalcitrant drug smugglers), 21 U.S.C. 1906 (financial transactions with designated foreign narcotics traffickers), 18 U.S.C. 545 (smuggling goods into the United States), 18 U.S.C. 546 (smuggling goods into foreign countries), 18 U.S.C. 924(c) (firearms and armor piercing ammunition in connection to drug trafficking crime), 18 U.S.C. 924(e) (armed career criminals), 18 U.S.C. 1952 (Travel Act), 18 U.S.C. 1956 (money laundering), 18 U.S.C. 1957 (monetary transactions in property derived from unlawful activity), 18 U.S.C. 1959 (compensated crime of violence in aid of racketeering), 18 U.S.C. 1963 (racketeering (RICO)), 18 U.S.C. 2118 (robberies and burglaries involving controlled substances), 18 U.S.C. 3559(c) (three strikes), 19 U.S.C. 1590 (aviation smuggling), 26 U.S.C. 7201 (tax evasion), 26 U.S.C. 7203 (failure to file required returns), 26 U.S.C. 7206 (fraud and false statements), 31 U.S.C. 5322 (currency transaction reporting (smurfing)), 31 U.S.C. 5332 (bulk cash smuggling into or out of the United States), 46 U.S.C. 70506 (maritime drug law enforcement).

This report reflects amendments to the Controlled Substances Act made by the Fair Sentencing Act of 2010 (P.L. 111-220) that increased the quantities of crack cocaine necessary to trigger certain penalties and also increased the fine amounts for major drug traffickers.

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## Trafficking

**Unlawful distribution, possession with intent to distribute, manufacture, importation and exportation, etc. (21 U.S.C. 841, 960, 962, and 46 U.S.C. 70506)<sup>1</sup>**

1<sup>st</sup> offense

<i>Substance</i>	<i>Amount</i>	<i>Fine</i>	<i>Imprisonment</i>
Heroin			
	1 kilogram <sup>2</sup> or more	\$10/50 million	10 years to life
	100 to 999 grams	\$5/25 million	5 to 40 years
	Less than 100 grams	\$1/5 million	Up to 20 years
Coca leaf and derivatives			
	5 kilograms or more	\$10/50 million	10 years to life
	500 to 4999 grams	\$5/25 million	5 to 40 years
	Less than 500 grams	\$1/5 million	Up to 20 years
Ecgonine (a cocaine precursor)			
	5 kilograms or more	\$10/50 million	10 years to life
	500 to 4999 grams	\$5/25 million	5 to 40 years
	Less than 500 grams	\$1/5 million	Up to 20 years
Coca leaves, cocaine, or ecgonine containing cocaine base ("Crack," etc.)			
	280 grams or more	\$10/50 million	10 years to life
	28 to 279 grams	\$5/25 million	5 to 40 years
	Less than 28 grams	\$1/5 million	Up to 20 years
PCP (phencyclidine)			
	100 grams or more	\$10/50 million	10 years to life

<sup>1</sup> All trafficking offenses involving Schedule I and II substances (and gamma hydrobutyric acid and flunitrazepam) are subject to the same imprisonment penalty—20 years to life—if death or serious bodily injury results from the use of the substance involved. Unless otherwise indicated, weights apply to any mixture containing a detectable amount of the substance regardless of the weight of the substance in the mixture.

A reference to a fine of "\$5/25 million" means a fine of no more than \$5 million for an individual and no more than \$25 million for a defendant other than an individual. A reference to "10 years to life" means a term of imprisonment of not less than 10 years nor more than life.

The Synthetic Drug Abuse Prevention Act of 2012—Subtitle D of Title XI of the Food and Drug Administration Safety and Innovation Act (P.L. 112-144)—added "cannabimimetic agents" to Schedule I of the Controlled Substances Act and defined such term to mean one of five structural classes of synthetic cannabinoids (and their analogues). Synthetic cannabinoid products are sometimes referred to as "synthetic marijuana," "Spice," or "K2." The act also added 11 synthetic stimulants and hallucinogens to Schedule I, including methylenedioxypyrovalerone (MDPV), a chemical ingredient found in designer drugs commonly referred to as "bath salts." The criminal penalties applicable to unlawful trafficking of these synthetic drugs are the same as those described below the "Any other Schedule I substance" table rows. In addition, any offense listed in this report that refers to "all substances" now encompasses these synthetic drugs. Finally, because these particular synthetic drugs are now regulated as controlled substances, the simple possession statute and its associated penalties, 21 U.S.C. 844, applies to them.

<sup>2</sup> 1 kilogram is equal to 35.27 ounces; 1 gram is equal to 0.04 ounces.



10 to 99 grams	\$5/25 million	5 to 40 years
Less than 10 grams	\$1/5 million	Up to 20 years
Mixture or substance containing detectable amount of PCP		
1 kilogram or more	\$10/50 million	10 years to life
100 to 999 grams	\$5/25 million	5 to 40 years
Less than 100 grams	\$1/5 million	Up to 20 years
LSD (lysergic acid diethylamide)		
10 grams or more	\$10/50 million	10 years to life
1 to 9 grams	\$5/25 million	5 to 40 years
Less than 1 gram	\$1/5 million	Up to 20 years
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl, i.e., "synthetic heroin")		
400 grams or more (or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of it)	\$10/50 million	10 years to life
40 to 399 grams (or 10-99 grams of a mixture containing a detectable amount of any analogue of it)	\$5/25 million	5 to 40 years
Less than 40 grams	\$1/5 million	Up to 20 years
Marihuana		
1000 kilograms or more or 1000 or more plants <sup>3</sup>	\$10/50 million	10 years to life
100 to 999 kilograms or 100 to 999 plants	\$5/25 million	5 to 40 years
50 to 99 kilograms or 50 to 99 plants	\$1/5 million	Up to 20 years
Under 50 kilograms <sup>4</sup> , 10 kilograms of hashish, 1 kilogram of hashish oil, or 1 to 49 plants	\$250,000/\$1 million	Up to 5 years
Methamphetamine		
50 grams or more or 500 grams or more of a mixture	\$10/50 million	10 years to life
5 to 49 grams or 50 to 499 grams of a mixture	\$5/25 million	5 to 40 years
Less than 5 grams or less than 50 grams of a mixture	\$1/5 million	Up to 20 years
Gamma hydroxybutyric acid		
any weight	\$1/5 million	Up to 20 years
Flunitrazepam <sup>5</sup>		

<sup>3</sup> Unlike the penalties for manufacturing, distribution, dispensing, or possession, those for importation or exportation do not distinguish between quantities of marihuana plants in excess of 100. Importation or exportation of any marihuana plants in excess of 100 is subject to higher penalties than those for less than 50 kilograms of marihuana, etc.

<sup>4</sup> Except in the case of 50 or more marihuana plants regardless of weight, and except that under section 841(b)(4) distribution of a small amount of marihuana for no remuneration is treated as a simple possession offense and punished under section 844, *infra*.

<sup>5</sup> Importation or exportation of any quantity of flunitrazepam is subject to a fine of \$1/5 million and up to 20 years imprisonment.

I gram	\$1/5 million	Up to 20 years
Less than 1 gram	\$250,000/\$1 million	Up to 5 years
Any other Schedule I or II substance		
any weight	\$1/5 million	Up to 20 years
Any other Schedule III substance		
any weight	\$500,000/\$2.5 million	Up to 15 years <sup>6</sup>
Any other Schedule IV substance		
any weight	\$250,000/\$1 million	Up to 5 years <sup>7</sup>
Any Schedule V substance		
any weight	\$100,000/\$250,000	Up to 1 year
<b>2<sup>nd</sup> offense<sup>8</sup></b>		
Heroin		
1 kilogram or more	\$20/75 million	20 years to life
100 to 999 grams	\$8/50 million	10 years to life
Less than 100 grams	\$2/10 million	Up to 30 years
Coca leaf and derivatives		
5 kilograms or more	\$20/75 million	20 years to life
500 to 4999 grams	\$8/50 million	10 years to life
Less than 500 grams	\$2/10 million	Up to 30 years
Ecgonine (a cocaine precursor)		
5 kilograms or more	\$20/75 million	20 years to life
500 to 4999 grams	\$8/50 million	10 years to life
Less than 500 grams	\$2/10 million	Up to 30 years
Coca leaves, cocaine, or ecgonine containing cocaine base ("Crack," etc.)		
280 grams or more	\$20/75 million	20 years to life
28 to 279 grams	\$8/50 million	10 years to life
Less than 28 grams	\$2/10 million	Up to 30 years
PCP (phencyclidine)		
100 grams or more	\$20/75 million	20 years to life
10 to 99 grams	\$8/50 million	10 years to life
Less than 10 grams	\$2/10 million	Up to 30 years

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> A second offense is one committed after a prior conviction for a felony drug offense has become final.

Mixture or substance containing detectable amount of PCP		
1 kilogram or more	\$20/75 million	20 years to life
100 to 999 grams	\$8/50 million	10 years to life
Less than 100 grams	\$2/10 million	Up to 30 years
LSD(lysergic acid diethylamide)		
10 grams or more	\$20/75 million	20 years to life
1 to 9 grams	\$8/50 million	10 years to life
Less than 1 gram	\$2/10 million	Up to 30 years
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl, i.e., "synthetic heroin") 400 grams or more (or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of it)		
	\$20/75 million	20 years to life
40 to 399 grams (or 10-99 grams of a mixture containing a detectable amount of any analogue of it)	\$8/50 million	10 years to life
Less than 40 grams	\$2/10 million	Up to 30 years
Marihuana		
1000 kilograms or more or 1000 or more plants)	\$20/75 million	20 years to life
100 to 999 kilograms or 100 to 999 plants)	\$8/50 million	10 years to life
50 to 99 kilograms or 50 to 99 plants <sup>9</sup>	\$2/10 million	Up to 30 years
Less than 50 kilograms, <sup>10</sup> 10 kilograms of hashish, 1 kilogram of hashish oil, or 1 to 49 plants	\$500,000/\$2 million	Up to 10 years
Methamphetamine		
50 grams or more	\$20/75 million	20 years to life
5 to 49 grams	\$8/50 million	10 years to life
Less than 5 grams	\$2/10 million	Up to 30 years
Gamma hydroxybutyric acid		
any weight	\$2/10 million	Up to 30 years
Flunitrazepam <sup>11</sup>		
1 gram	\$2/10 million	Up to 30 years
Less than 1 gram	\$500,000/\$2 million	Up to 10 years
Any other Schedule I or II substance		
any weight	\$2/10 million	Up to 30 years
Any other Schedule III substance		
any weight	\$1 million/\$5 million	Up to 30 years

<sup>9</sup> See *supra* note 3.

<sup>10</sup> Except in the case of 50 or more marihuana plants regardless of weight and except that distribution of a small amount of marihuana is punishable as simple possession under section 844, *infra*.

<sup>11</sup> See *supra* note 5.

<b>Any other Schedule IV substance</b>		
any weight	\$500,000/\$2 million	Up to 10 years
<b>Any Schedule V substance</b>		
any weight	\$200,000/\$500,000	Up to 4 years
<b>3<sup>rd</sup> offense</b>		
A Schedule I or II substance singled out for special penalty treatment (as indicated above) in amounts constituting a top level offense	Same as 2 <sup>nd</sup> offense	Life
<b>Cultivation on Federal property (21 U.S.C. 841(b)(5))</b>		
<b>Any offense</b>		
All substances/all weights	Greater of \$500,000/\$1 million or the maximum fine for distribution of the substance involved	Maximum term for distribution of the substance involved
<b>Environmental damage on Federal property resulting from controlled substance manufacturing or distribution (21 U.S.C. 841(b)(6))</b>		
<b>Any offense<sup>12</sup></b>		
All substances	Up to \$250,000	Up to 5 years
<b>Offenses involving essential (listed) chemicals, generally (21 U.S.C. 841(c))</b>		
<b>Any offense<sup>13</sup></b>		
List I chemicals [under 21 U.S.C. 802(34)]	Up to \$250,000	Up to 20 years
List II chemicals [under 21 U.S.C. 802(35)]	Up to \$250,000	Up to 10 years
<b>Wrongful distribution or possession of essential (listed) chemicals (21 U.S.C. 841(f))</b>		
<b>Knowing unlawful distribution</b>		
Listed chemicals [under 21 U.S.C. 802 (33)]	Up to \$250,000	Up to 5 years
<b>Knowing possession of unreported listed chemicals</b>		
Listed chemicals [under 21 U.S.C. 802 (33)]	Up to \$100,000	Up to 1 year

<sup>12</sup> Creating a serious hazard to human or animal life, or harming the environment, or causing water pollution as a result of using poisons, chemicals or other hazardous substances on Federal property while in the course of unlawfully manufacturing or otherwise distributing a controlled substance

<sup>13</sup> Possession with intent to use for unauthorized manufacture of a controlled substance; possession or distribution knowing that the chemical will be used for unauthorized manufacture of a controlled substance; or, with intent of causing evasion of the record-keeping or reporting requirements of 21 U.S.C. 830 (or regulations pursuant thereto), receipt or distribution of a reportable amount in units small enough so that the making of records or filing of reports is not required.

<b>Internet Sales of Date Rape Drugs (21 U.S.C. 841(g))</b>		
Knowingly using the Internet to distribute a date rape drug <sup>14</sup>	Up to \$250,000	Up to 20 years
<b>Dispensing Controlled Substances by Means of the Internet (21 U.S.C. 841(h))</b>		
Knowingly or intentionally using the Internet to deliver, distribute, or dispense a controlled substance without a valid prescription <sup>15</sup> (or aiding or abetting such activity)	Sentences determined according to the penalties authorized under 21 U.S.C. 841(b) <sup>16</sup>	
<b>Regulatory offenses &amp; use of communications to facilitate distribution (21 U.S.C. 842, 843)</b>		
1 <sup>st</sup> offense		
Generally <sup>17</sup>	Up to \$100,000	Up to 1 year
Deception offenses, etc. <sup>18</sup>	Up to \$250,000	Up to 4 years
Methamphetamine equipment offenses	Up to \$250,000	Up to 10 years
Advertisement offenses <sup>19</sup>	Up to \$250,000	Up to 4 years
2 <sup>nd</sup> offense		
Generally	Up to \$250,000	Up to 2 years

<sup>14</sup> “Date rape drug” means gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4-butanediol; ketamine; flunitrazepam; or any substance which the Attorney General designates, through a rulemaking proceeding, to be used in committing rape or sexual assault. 21 U.S.C. 841(g)(2)(A).

<sup>15</sup> Examples of prohibited activities include knowingly or intentionally: (1) delivering, distributing, or dispensing a controlled substance by means of the Internet by an online pharmacy that is not validly registered with the Drug Enforcement Administration (DEA); (2) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet; (3) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in such distribution; (4) offering to fill a prescription for a controlled substance based solely on a consumer’s completion of an online medical questionnaire; and (5) making a material false, fictitious, or fraudulent statement or representation on the homepage of Internet sites operated by an online pharmacy regarding the pharmacy’s compliance with federal and state controlled substance laws. 21 U.S.C. 841(h)(2).

<sup>16</sup> See pages 1-5 of this report for these penalties, which vary by type of substance, weight or other factual circumstances, and repeat offender status. 21 U.S.C. 841(h)(4).

<sup>17</sup> Knowingly distributing a controlled substance to an unauthorized person by a registrant, removing required labels, unlawful use of information acquired during a controlled substance inspection, failing to keep required records, etc. For more information about these federal requirements pertaining to the lawful handling of controlled substances, see CRS Report RL34635, *The Controlled Substances Act: Regulatory Requirements*, by James E. Nichols and Brian T. Yeh.

<sup>18</sup> To knowingly: use fictitious, revoked, suspended or expired registration number; obtain a controlled substance by fraud, forgery, or other form of deceit; provide false information; use labels and other markings to render a drug a counterfeit substance; unlawfully possess certain controlled substance manufacturing equipment; being a registrant, unlawfully distribute a controlled substance in the course of legitimate business; create or receive a mixture containing listed chemicals to evade regulatory requirements.

<sup>19</sup> Knowingly placing in any newspaper, magazine, handbill, or other publications, any written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a schedule I controlled substance. 21 U.S.C. 843(c). However, this offense does not include any advertisement that merely advocates the use of a schedule I controlled substance and does not attempt to propose or facilitate an actual transaction in a schedule I controlled substance. Id. The Ryan Haight Online Pharmacy Consumer Protection Act of 2008, P.L. 110-425, creates an additional advertisement offense, new subsection 21 U.S.C. 843(c)(2): knowingly or intentionally using the Internet to advertise the sale of, or to offer to sell, distribute, or dispense a controlled substance in a manner that is not authorized by federal controlled substances law, including directing prospective buyers to online pharmacies that are not registered with the DEA. The penalties for the offense are the same as those for advertising in printed publications.

Deception offenses, etc.	Up to \$250,000	Up to 8 years
Methamphetamine equipment offenses	Up to \$60,000	Up to 20 years
Advertisement offenses	Up to \$250,000	Up to 8 years
<b>Manufacturing or Distributing Controlled Substances Within 1000 Feet of a Truck Stop or Highway Rest Area (21 U.S.C. 849)</b>		
1 <sup>st</sup> offense		
All substances	Up to twice the penalties otherwise authorized	
2 <sup>nd</sup> offense		
All substances	Up to three times the penalties otherwise authorized	
<b>Distribution to persons under age 21 by those age 18 or older (21 U.S.C. 859)</b>		
1 <sup>st</sup> offense		
All substances	Up to twice the penalties otherwise authorized <sup>20</sup>	
2 <sup>nd</sup> offense		
All substances	Up to three times the penalties otherwise authorized	
<b>Distribution or manufacturing in or near schools, colleges, or certain youth-centered recreational facilities (21 U.S.C. 860, 860a)<sup>21</sup></b>		
1 <sup>st</sup> offense		
All substances (except methamphetamine)	Up to twice the penalties otherwise authorized for distribution or manufacture but at least 1 year in prison <sup>22</sup>	
2 <sup>nd</sup> offense		
All substances (except methamphetamine)	Up to three times the penalties otherwise authorized for distribution or manufacture but at least 3 years in prison	
Any offense involving methamphetamine	Other sentence as imposed plus imprisonment for no more than 20 years	
<b>Trafficking in drug paraphernalia (21 U.S.C. 863)</b>		
Interstate or foreign sale and transportation of, or use of the mails to sell, drug paraphernalia	Up to \$250,000	Up to 3 years

<sup>20</sup> Except that violation carries a mandatory minimum of no less than one year unless the offense involves marihuana in an amount of 5 grams or less.

<sup>21</sup> The offense includes distribution or manufacturing in or on, or within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.

<sup>22</sup> Also, at least twice any term of supervised released otherwise authorized for a first offense. An exception to the mandatory 1-year minimum is provided with respect to an offense involving 5 grams or less of marihuana. Where the statute provides for a different mandatory penalty, the higher prevails.

## Possession

### Simple possession (21 U.S.C. 844)<sup>23</sup>

1 <sup>st</sup> offense	Not less than \$1,000	Up to 1 year
2 <sup>nd</sup> offense <sup>24</sup>	Not less than \$2,500	15 days to 2 years
3 <sup>rd</sup> offense	Not less than \$5,000	90 days to 3 years
Any offense		
Flunitrazepam	Up to \$250,000	Up to 3 years

## Controlled Substance Violations and Other Crimes/Activity

### Attempt and conspiracy (21 U.S.C. 846, 963)

Any offense

All substances	Same as penalties for the underlying offense	
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### Use of a controlled substance to commit a crime of violence (21 U.S.C. 841(b)(7))

Any offense<sup>25</sup>

All substances	Up to \$250,000	Up to 20 years
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### Boobytraps on Federal property (21 U.S.C. 841(d))<sup>26</sup>

1 <sup>st</sup> offense	Up to \$250,000	Up to 10 years
2 <sup>nd</sup> offense	Up to \$250,000	Up to 20 years

### Continuing Criminal Enterprise (CCE) (“kingpin”) (21 U.S.C. 848)<sup>27</sup>

1<sup>st</sup> offense

All substances	Up to \$2 million	20 years to life
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2<sup>nd</sup> offense

All substances	Up to \$4 million	30 years to life
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Any offense, if the offender is a major participant, involving an enterprise

<sup>23</sup> If convicted of a simple possession offense, the defendant is required, if able, to pay the “reasonable costs” of the investigation and prosecution of the offense. Penalties for simple possession are also applicable to distribution of a “small amount” of marihuana for no remuneration.

<sup>24</sup> For purposes of the section under which the possession penalties are imposed, a prior conviction includes conviction of *any* offense under the Controlled Substances Act or the Controlled Substances Import and Export Act and any drug or narcotic offense chargeable under state law.

<sup>25</sup> Distributing a controlled substance to another with the intent to commit a crime of violence upon the victim.

<sup>26</sup> Assembly, maintenance, or placement—in connection with the manufacture, distribution, or dispensing of a controlled substance.

<sup>27</sup> Under the statute, a person is considered to be engaged in a continuing criminal enterprise if (1) he commits any felony violation of the Controlled Substances Act or the Controlled Substances Import and Export Act, (2) the violation is a part of a continuing series of violations of those statutes (A) which are undertaken by the person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and (B) from which such person obtains substantial income or resources.

Note that some violations carry the death penalty as discussed *supra*.



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that grosses \$10 million a year or more or involving 300 times<sup>28</sup> the amount of controlled substances required to trigger the most severe distribution penalties of 21 U.S.C. 841

All substances	Up to \$4 million	life
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**Establishing manufacturing operations (21 U.S.C. 856)**

Opening, maintaining, financing or making available a place for unlawful manufacture, distribution or use of controlled substances

All substances	Up to \$500,000	Up to 20 years
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**Endangering human life while illegally manufacturing a controlled substance (21 U.S.C. 858)**

Any offense

All substances	Up to \$250,000	Up to 10 years
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**Employment of persons under 18 years of age (for violation of the CSA) or unauthorized distribution to a pregnant individual (21 U.S.C. 861)**

1<sup>st</sup> offense

Generally	Up to twice the penalties otherwise authorized for the underlying offense but at least 1 year in prison <sup>29</sup>	
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2<sup>nd</sup> offense

Generally	Up to three times the penalties otherwise authorized for the underlying offense but at least 1 year in prison <sup>30</sup>	
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Any offense

Use of person under 14 or distribution to a person under 18	Up to \$50,000	Up to 5 years
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**Narco-Terrorism (21 U.S.C. 960a)**

Engaging in prohibited drug activity knowing or intending to provide anything of pecuniary value to terrorists

Up to \$250,000	At least twice the minimum punishment authorized under 21 U.S.C. 841(b)(1)
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**Theft of anhydrous ammonia, or transportation of stolen anhydrous ammonia with intent or knowledge that such will be used to manufacture a controlled substance (21 U.S.C. 864)**

1 <sup>st</sup> offense	Up to \$250,000	Up to 4 years
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2 <sup>nd</sup> offense	Up to \$250,000	Up to 8 years
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**Violation of regulations proscribing financial transactions with significant foreign narcotics traffickers (21 U.S.C. 1906)**

Any offense (individual)	Up to \$250,000	Up to 10 years
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<sup>28</sup> Except in the case of methamphetamine, where these provisions apply to any enterprise that grosses \$5 million or more a year, or involves 200 times of the amount of controlled substances required under 21 U.S.C. 841.

<sup>29</sup> Also, at least twice any term of supervised release otherwise authorized for a first offense. Any higher mandatory penalty otherwise authorized for the offense would prevail.

<sup>30</sup> Also, at least three times any term of supervised release otherwise authorized for a first offense. Penalties for third and subsequent offenses are governed by 21 U.S.C. 841(b)(1)(A).

Any offense (organization)	Up to \$10,000,000	
Any offense (organization officer or agent)	Up to \$5,000,000	Up to 30 years
<b>Travel Act: use of interstate facilities in aid of a racketeering enterprise involving controlled substances (18 U.S.C. 1952)</b>		
Any substance and the intent to commit the following act:		
A crime of violence in furtherance of the racketeering enterprise	Up to \$250,000	Up to 20 years, or any term of years or life if death results
Distributing the proceeds from the racketeering enterprise	Up to \$250,000	Up to 5 years
Promotion or facilitation of the racketeering enterprise	Up to \$250,000	Up to 5 years
<b>Use or possession of firearms or armor piercing ammunition in connection to a drug trafficking crime (18 U.S.C. 924(c))<sup>31</sup></b>		
1 <sup>st</sup> offense involving a firearm		
Generally		Not less than 5 years
If a firearm is brandished		Not less than 7 years
If a firearm is discharged		Not less than 10 years
If firearm is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon		Not less than 10 years
If firearm is a machinegun or destructive device, or equipped with a silencer/muffler		Not less than 30 years
2 <sup>nd</sup> or subsequent offense involving a firearm		
Generally		Not less than 25 years
If firearm is a machinegun or destructive device, or equipped with a silencer/muffler		life
Any offense involving armor piercing ammunition		
Use or possession		Not less than 15 years
If such ammunition is used for murder		Any term of years or life
If such ammunition is used for manslaughter	Up to \$250,000	Up to 10 years
If such ammunition is used for manslaughter	Up to \$250,000	Up to 6 years
<b>Robberies Involving Controlled Substances (18 U.S.C. 2118(a))</b>		
Any offense		
Any quantity of a controlled substance in the care, custody, control, or possession of a DEA registrant, if (1) the replacement cost of such material is not less than \$500, (2) the robber (or person who attempted	Up to \$250,000	Up to 20 years

<sup>31</sup> The penalties listed for this offense apply *in addition* to the punishment provided for the drug trafficking crime.

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to rob the substance) traveled in interstate or foreign commerce or used any facility in interstate/foreign commerce to facilitate such unlawful taking, or (3) another person was killed or suffered significant bodily injury due to the robbery or attempted robbery

If the person committing this offense assaults any person (or jeopardizes the life of any person) by using a dangerous weapon Up to \$250,000 Up to 25 years

If the person committing this offense kills any person Up to \$250,000 Any term of years or life

**Burglaries Involving Controlled Substances (18 U.S.C. 2118(b))**

Any offense

Any quantity of a controlled substance in the business premises or property of a DEA registrant, if (1) the replacement cost of such material is not less than \$500, (2) the burglar (or person who attempted to burglarize the premises) traveled in interstate or foreign commerce or used any facility in interstate/foreign commerce to facilitate such unlawful entry, or (3) another person was killed or suffered significant bodily injury due to the burglary or attempted burglary Up to \$250,000 Up to 20 years

If the person committing this offense assaults any person (or jeopardizes the life of any person) by using a dangerous weapon Up to \$250,000 Up to 25 years

If the person committing this offense kills any person Up to \$250,000 Any term of years or life

**Conspiracy to Commit Robbery or Burglary Involving Controlled Substances (18 U.S.C. 2118(d))**

Any offense

If two or more persons conspire to violate 18 U.S.C. 2118(a) or 2118(b), and one or more of such persons performs any overt act to effect the object of the conspiracy Up to \$250,000 Up to 10 years

**Armed career criminal: possession of a firearm by a convicted felon or other disqualified person with 3 or more prior serious controlled substance convictions (drug crimes punishable by imprisonment for 10 years or more) or prior violent crime convictions (18 U.S.C. 924(e))**

Any offense

All substances Up to \$250,000 Not less than 15 years

**Three strikes: commission of a serious violent felony by an individual with a prior serious controlled substance conviction (drug kingpin or most seriously punished trafficking offense) and a prior serious violent felony conviction or 2 or more prior serious violent felony convictions (18 U.S.C. 3559(c))**

Any offense

All substances Up to \$250,000 life

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## Racketeering

### Commission of a pattern of racketeering activity including one or more narcotic or dangerous drug felony to invest in, acquire, operate or participate in the affairs of an interstate enterprise ((RICO)(18 U.S.C. 1963))

Any offense

Narcotic and dangerous drugs	Up to \$250,000	Up to 20 years or life if the maximum for the predicate is life
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### Compensated crime of violence in aid of RICO (18 U.S.C. 1959)

Any offense involving any substance and the following criminal act:

Murder	Up to \$250,000	life
Kidnapping	Up to \$250,000	Up to life in prison
Maiming	Up to \$250,000	Up to 30 years
Serious injury	Up to \$250,000	Up to 20 years
Threats	Up to \$250,000	Up to 5 years
Attempt or conspiracy to murder or kidnap	Up to \$250,000	Up to 10 years
Attempt or conspiracy to maim or commit a serious assault	Up to \$250,000	Up to 3 years

## Smuggling

### Smuggling Goods into the United States (18 U.S.C. 545)

Any offense

All substances	Up to \$250,000	Up to 20 years
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### Smuggling Goods into Foreign Countries (18 U.S.C. 546)

Any offense

All substances	Up to \$250,000	Up to 2 years
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### Smuggling methamphetamine or methamphetamine precursor chemicals into the United States while using facilitated entry programs (21 U.S.C. 865)

Any offense

Imprisonment Sentence for Methamphetamine Offense Enhanced By Up to 15 years

### Smuggling a controlled substance by using an aircraft to transport it (19 U.S.C. 1590)<sup>32</sup>

Any offense

<sup>32</sup> The Ultralight Aircraft Smuggling Prevention Act of 2012, P.L. 112-93, expanded the liability for this offense to include anyone who attempts or conspires to commit aviation smuggling, thus subjecting them to the same penalties as those who commit the crime. In addition, this law added a definition of “aircraft” to include ultralight vehicles which meet the characteristics described in 14 C.F.R. 103.1. Such ultralight vehicles (operated by a single occupant and weighing less than 254 pounds) have reportedly been used by drug traffickers to cross the Mexico-U.S. border in their effort to smuggle the drugs into the United States. See Aaron Cooper, *Gabrielle Giffords’ Anti-Drug Legislation Signed into Law*, Feb. 10, 2012, CNN, at [http://articles.cnn.com/2012-02-10/politics/politics\\_giffords-ultralight-law\\_1\\_ultralights-traffickers-gabrielle-giffords?\\_s=PM:POLITICS](http://articles.cnn.com/2012-02-10/politics/politics_giffords-ultralight-law_1_ultralights-traffickers-gabrielle-giffords?_s=PM:POLITICS).

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All substances	Up to \$250,000	Up to 20 years
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## **Laundering Money from Controlled Substance Violations**

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### **Laundering (18 U.S.C. 1956)**

Any offense

All substances	Up to greater of \$500,000 or 2X the amount of \$ laundered	Up to 20 years
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### **Monetary traffic in property derived from unlawful activity (18 U.S.C. 1957)**

Any offense

All substances	Up to greater of \$250,000 or 2X the amount of \$ laundered	Up to 10 years
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### **Currency transaction and transportation reporting (31 U.S.C. 5322)**

1<sup>st</sup> offense

All substances	Up to \$250,000	Up to 5 years
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2<sup>nd</sup> offense

All substances	Up to \$500,000	Up to 10 years
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### **Bulk cash smuggling into or out of the United States (31 U.S.C. 5332)**

Knowingly concealing more than \$ 10,000 across a U.S. border

Up to 5 years

### **Investment of illicit drug profits (21 U.S.C. 854, 855)**

Any offense

All substances	Up to the greater of 2X profit/proceeds or \$50,000	Up to 10 years
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## **Tax Offenses**

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### **Attempted evasion [concerning income from controlled substance violations] (26 U.S.C. 7201)**

Any offense

All substances	Up to \$250,000	Up to 5 years
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### **Willful failure to file return [concerning income for such violations] (26 U.S.C. 7203)**

Any offense

All substances	Up to \$250,000	Up to 5 years
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### **Fraud and false statements [concerning income from such violations] (26 U.S.C. 7206)**

Any offense

All substances	Up to \$250,000	Up to 3 years
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## Impact of Drug Conviction on Title IV Eligibility

Please be advised that under federal law, a recipient of Title IV student financial assistance who is convicted for possession and/or sale of illegal drugs while enrolled as a student at the Ohio Center for Broadcasting, will be ineligible for further Title IV funds for a fixed period of time, as indicated below.

	Possession of Illegal Drugs	Sale of Illegal Drugs
1 <sup>st</sup> Offense	1 yr from conviction date	2 yrs from conviction date
2 <sup>nd</sup> Offense	2 yrs from conviction date	Indefinite period
3+ Offenses	Indefinite period	

*\* If convicted of both possession and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.*

A student regains eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program. The student will lose eligibility again upon a subsequent drug conviction.

For complete information, please see FAFSA web page at <http://www.fafsa.ed.gov/faq003.htm> or contact the Federal Student Aid Information Center at 1-800-4-FED-AID.