

# Annual Security Report

This Report is published by the Ohio Center for Broadcasting – Cincinnati Campus (the “School”) to provide information to students, staff and visitors to the School about incidents of crime, crime prevention procedures, and safety measures so that these campus community members can make informed decisions related to their safety. The School does not provide residential dormitories or any other facilities for on campus student housing, so the information reported herein relates to the school’s campus itself as well as the parking lot areas surrounding the school. This information is presented in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (known as the “Clery Act”). The School’s Campus Director has primary responsibility for collecting and publishing crime statistics related to campus operations, and obtains statistics from the Cincinnati, Ohio, Police Department.

## Campus Security

As a small institution, the School does not employ dedicated security personnel. However, all staff members are empowered to take action in case of natural disasters, medical emergencies, or criminal activity by immediately involving campus administration as well as the local police. The campus also maintains a closed-circuit TV (CCTV) system which monitors many parts of the campus and records activity that may help to prevent criminal activities, or apprehend the perpetrators using the video recordings maintained by the School. Staff members are also responsible for securing the campus after hours and also unlocking the campus facilities at the beginning of the day.

## Campus Security Assistance

All staff members are instructed to assist in the prevention of and/or investigation of on campus crimes, and for immediately reporting these matters to the Campus Director and, where situations require immediate outside assistance, to summon local police and/or emergency services.

## How to Report Crimes or Incidents on Campus

All students and staff members are encouraged to promptly contact and report on campus crimes to the Campus Director and to the Cincinnati Police by dialing 911 from a cell phone, or 9-911 from any telephone within the campus. In any such reporting, students and staff are encouraged to furnish all pertinent information when reporting a crime or incident. Local police, working in conjunction with School staff, investigate incidents and prepare the required police reports. Such efforts include identification of responsible parties, violations of the School’s Code of Conduct (as printed in the School Catalog), and encourage resolution and restitution of property as appropriate. **Crimes or incidents occurring on campus may be reported to any staff member**, including instructors, Graduate Assistants (GAs), and administrative staff members. All crimes reported to campus officials are also included in the campus’s crime statistics and are also reviewed for compliance with the timely warning policies listed below.

### Timely Warnings Policy Statement

The Campus Director collects, assembles and maintains the yearly crime statistics presented at the end of this Report, and is also charged with providing timely warnings to students and staff members with respect to criminal activity. While the School undertakes diligent efforts towards providing a safe and secure campus, occasional incidents may occur on campus or in the immediate vicinity of the campus which are considered potentially threatening (or the School learns of activity in the immediate area of the School from local law enforcement). When the school is made aware of such information, the Campus Director (or if the Campus Director is absent, the Campus Education Director or Coordinator) will make the campus aware of the situation by various means, including but not limited to making an announcement over the school's paging system, dispatching staff members to convey information in person to each class, or in some circumstances notifying campus stakeholders via cell phone or text. **If any student or staff member knows of a crime or other serious incident, they should report the matter as soon as possible to the Campus Director or dialing 911** (or 9-911 from a campus telephone) so that a timely warning may be issued.

### Emergency Response and Evacuation

Upon confirmation to the Campus Director or senior administrative staff member present of an imminent threat to health or safety (tornado, individual carrying a firearm, hazardous material spill, etc.), that individual will provide an emergency notification immediately by using the School's paging system, directly addressing pending classes, or other means to provide immediate communication with those within the campus facility. When notified via the paging system or other method, students and staff members will be given immediate instructions as to the action to be taken to ensure health and safety (e.g. directions on where to seek shelter inside the building, to evacuate the building, or to remain in place pending further instructions). Other emergency notification methods may include the posting of flyers and use of text messaging or cellular phone calls.

More specific Emergency Response and Evacuation instructions are contained in the School's Campus Emergency Plan, available in the Campus Director's office and in the Learning Resource Center. The Campus Emergency Plan is regularly updated to reflect best practices and new information.

### Access to the Campus

The School's building is secured and locked at the conclusion of each day's classes and student activities. Where campus facilities require access via key card, if any, appropriate key cards will be provided to staff and students. All students must leave campus at the conclusion of the day's activities. When closed, the campus is protected by wired and wireless motion and glass break sensors, door and window triggers, and monitoring via the School's CCTV system. Students are not permitted on campus unless staff members are also present. Other than prospective students visiting campus, only students and staff members are permitted to be on campus. Neither students nor staff members may have family or friends accompany them without first receiving approval from the Campus Director.

### Basic Crime Prevention Steps

Crime prevention is the responsibility of all students and staff members. Taking the time to think about vulnerabilities will allow us to take simple steps to reduce the risk of being the victim of a crime. Common sense steps can make a big difference:

- Keep your car locked, and do not leave valuables in plain sight within your car
- Mark valuable possessions (headphones, tablet computers, etc.) with identifying information such as your driver's license number
- Never leave your purse or other valuables unattended in a classroom, studio or the LRC
- Let a staff member know if you desire an escort to your car when leaving at night
- Report all crimes and suspicious activities to School authorities
- If you witness an immediate threat, call 911 immediately (or 9-911 from an on campus phone).

### Substance Abuse Policy

The School maintains a Drug Free Policy which is distributed to all students and staff at time of employment or enrollment, and at least annually thereafter. The School prohibits the possession, use, manufacture or distribution of illegal substances (regardless of quantity) or drug paraphernalia of any kind. The use of alcohol while on campus is also strictly prohibited by this Policy. Students or staff who violate the Drug Free Policy are subject to disciplinary action, including dismissal from the School, and also face prosecution under local, state and federal laws.

A copy of the School's Drug Free Policy is appended to this Report along with the School's crime statistics.

### Substance Abuse Assistance

Any student or staff member seeking help with a substance abuse problem, or obtaining assistance for someone they know who has a substance abuse problem, can bring these concerns to the Campus Director (for employees) or the Student Services Coordinator (for students) to receive a timely referral. In addition, help with substance abuse problems can also be obtained by contacting the following local agencies:

- The Watershed 407 Vine St. #294, Cincinnati, OH 45221-1-855-820-8997
- Ohio Substance Treatment/Foundations Recovery Network-1-855-673-7172
- Center for Chemical Addictions Treatment:830 Ezzard Charles Dr., Cincinnati, OH 45214-513-381-6672
- Bethesda Alcohol & Drug Treatment Program/Blue Ash-11305 Reed Hartman Hwy., #106 Cincinnati, OH 45241
- Alcoholism Council Cincinnati-2828 Vernon Place, Cincinnati, OH 45219-513-281-7880
- Sober Living Ohio 2964 Sidney Ave., Cincinnati, OH 45225-513-681-0324

### Sexual Misconduct & Dating Violence

The School makes consistent efforts to assure that campus is free of sexual misconduct (including sexual harassment and sexual assault/rape) and all forms of sexual intimidation, exploitation and dating violence including stalking and domestic violence. The School's policies regarding sexual misconduct and dating violence are outlined below. Sexual misconduct will not be tolerated at the Ohio Center for Broadcasting, and students, staff, and visitors should expect the School to be an environment free of sexual misconduct. Such misconduct is not only a violation of the School's policy, but also can be criminal conduct and discrimination under Title VII of the Federal Civil Rights Act of 1964 (as amended).

The following definitions apply to the identification and investigation of sexual misconduct:

- *Consent* – the voluntary, positive agreement between participants to engage in a specific sexual activity.
- *Dating Violence* – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of this type of relationship is determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the people involved.
- *Domestic Violence* – a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threats that influence the other person. This includes behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures, or wounds someone.
- *Stalking* – a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear for his/her safety or for the safety of those around them, or suffer substantial emotional distress.
- *Sexual Assault/Rape* – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- *Sexual Harassment* –unwanted sexual attention such as staring, leering, ogling, sexual teasing, jokes, gestures, inappropriate touching, pressures for a date or sex, forced sexual relations or suggestions that sex can be exchanged for academic achievement or promotion. While women are more commonly victims of sexual harassment, it can happen to both men and women.

Sexual harassment may occur when a person in a position of power, control or influence over the other person's academic career, grades, or job uses this authority and power to gain sexual advantages and threatens or punishes the victim for refusal to engage in certain activities. Sexual harassment may also occur between peers (such as student to student, or staff member to staff member) if similar conditions as noted above are present.

**An individual who feels he or she is the victim of sexual misconduct should immediately report the incident to the Campus Director or any other administrative staff member with whom the victim is comfortable.** Formal charges may also be made directly to local law enforcement, and in either case, staff will assist in the investigation of the incident.

If any staff member or student observes or is made aware of an incidence of dating violence, domestic violence, sexual assault, or stalking occurring on campus, this matter should be immediately reported to the Campus Director. Individuals immediately witnessing such an incident and believing that immediate police intervention is needed should call 911 (or 9-911 from a campus phone). Other safe intervention options for the observer include the following:

- Notify a School staff member immediately
- Be honest and direct in attempting to diffuse the situation – do not use violence
- Recruit the assistance of those nearby
- Keep oneself safely away from the incident

**If you are sexually assaulted, it is extremely important that any physical evidence be preserved.** The following are recommended steps:

- Find a safe place sufficiently away from the attacker and call 911 (or 9-911 from a campus phone) immediately! If possible, ask a trusted friend to stay with you until help arrives.
- As soon as possible, write down everything you can remember about the incident including the details of what happened and the physical description of the assailant. Take photos of any physical evidence, including any visible injuries.
- If the incident occurs on the School's campus, immediately dial 911 and seek staff member assistance. Staff members will provide immediate assistance including contacting law enforcement on your behalf.
- You should immediately seek medical attention, even if you do not believe that you have been injured. It will still be important to test for sexually transmitted diseases and/or pregnancy. Hospitals should be asked to conduct a "rape exam," and also to obtain a urine or blood sample if you believe that you may have been drugged.
- Contact an agency for counseling and support, including:
  - Battered Women 24 Hour Crisis Hotline: 513-381-5610
  - National Sexual Assault Hotline: 800-656-4673
  - National Domestic Violence Hotline: 800-799-7233

### **Institutional Protective Measures**

The school will assist victims of sexual misconduct and dating violence to avoid potential contact with the perpetrators to the fullest extent possible, by reassigning staff members or altering student class sessions or schedules. The School will also assist in enforcing any On-Campus No Contact Order that is issued, prohibiting communication among involved parties (this includes contacts that are in person, via telephone, text message, social media, etc.).

### Disciplinary Process (Code of Conduct)

In addition to the Conduct and Behavior provisions published in the School catalog applicable to Students and the provisions of the Employee Handbook applicable to staff members, the School also follows the following procedures:

- Complaints that allege violations of the School's Policies are to be reported to the School (typically to the Campus Director) no more than two weeks after the party bringing the allegation becomes aware of the alleged offense.
- Campus management, including the Campus Director and other senior school officials, will immediately begin an investigation of the matter.
- Any disciplinary meetings will be conducted as soon as possible after the conclusion of the investigation and appropriate action taken. In such meetings, the school will utilize a "preponderance of the evidence" standard of review.
- In any meetings in which the accuser will be present, that person may bring a person of their choice with them to the meeting to provide support.
- The person accused of the offense will also have the opportunity to appear and answer the charges, and may also bring a person of their choosing to the meeting.
- Both accuser and accused will be treated with professionalism and dignity in such meetings.
- Any staff member or student found in violation of the School's policies or other applicable law will be subject to disciplinary sanctions including suspension, probation, dismissal, expulsion, termination and prosecution, each as stated in the School Catalog with respect to students, and the Employee Handbook with respect to staff members.

## CAMPUS CRIME AND SECURITY

In compliance with Federal laws, The Ohio Center for Broadcasting – Cincinnati Campus 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	0	0	0
b. Forcible sex offenses (including forcible rape)	0	0	0
c. Non-forcible sex offenses	0	0	0
d. Robbery	0	0	0
e. Aggravated assault	0	0	0
f. Burglary	0	0	0
g. Motor vehicle theft	0	0	0
h. Arson	0	0	0
i. Negligent manslaughter	0	0	0
j. Hate Crimes	0	0	0
k. Domestic Violence	-	-	0
l. Dating Violence	-	-	0
m. Stalking	-	-	0

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

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

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

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



# OHIO CENTER FOR BROADCASTING

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

## OHIO CENTER FOR BROADCASTING Drug Free Policy

Dear Employee/Student:

Federal Regulations require that, as a condition of the Ohio Center for Broadcasting 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 Ohio Center for Broadcasting'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 Ohio Center for Broadcasting's Drug Free Policy (including those provisions included in the school's Catalog).

Please read through the following carefully and sign the attached certification.

Sincerely,

*Phil Brown*

Campus Director



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6703 Madison Road  
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Owned, operated and staffed by  
professional broadcast engineers  
Robert Mills, President  
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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 Ohio Center for Broadcasting 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 is enclosed.

When deemed necessary for a student or employee to seek treatment for their particular alcohol or drug disease, the Ohio Center for Broadcasting 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 for local program centers.

## 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 Ohio Center for Broadcasting.

For condition of this statement, the Ohio Center for Broadcasting includes:

6703 Madison Rd., Cincinnati, Ohio and surrounding parking areas.

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

Narcotics:	Opium, Heroin, Morphine, and synthetic substitutes.
Depressants:	Chloralhydrate, Barbiturates, and Methaqualone
Stimulants:	Cocaine (and derivatives such as crack) and Amphetamines
Hallucinogens:	LSD, Mescaline, PCP, Peyote, Psilocybin, and MDMA
Cannabis:	Marijuana and Hashish



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## INSTITUTIONAL SANCTIONS

- 1) For any violation of the codes of conduct, the Ohio Center for Broadcasting 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.

**DRUG POSSESSION – O.R.C. §2925.11**

DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
Schedule I or II*	< bulk	F-5	C(1)(a)	Div. B
	≥ bulk → <5 x bulk	F-3	C(1)(b)	In Favor
	≥ 5 → < 50 x bulk	F-2	C(1)(c)	Mandatory
Schedule I or II*	≥50 → <100 x bulk	F-1	C(1)(d)	Mandatory
	≥100 x bulk	F-1	C(1)(e)	MDO
Schedule III, IV, or V*	< bulk	M-1†	C(2)(a)	None
	≥bulk → <5 x bulk	F-4	C(2)(b)	Div. C
	≥ 5 → < 50 x bulk	F-3	C(2)(c)	In Favor
	≥ 50 x bulk	F-2	C(2)(d)	Mandatory
Marijuana	< 100 g	MM	C(3)(a)	None
	≥ 100 g → < 200 g	M-4	C(3)(b)	None
	≥ 200 g → < 1 kg	F-5	C(3)(c)	Div. B
	≥ 1 kg → < 5 kg	F-3	C(3)(d)	Div. C
	≥ 5 kg → < 20 kg	F-3	C(3)(e)	In Favor
Cocaine: Powder or Crack	≥ 20 kg → < 40 kg	F-2	C(3)(f)	Mand. 5, 6, 7, or 8 years
	≥ 40 kg	F-2	C(3)(g)	Mandatory 8 years
	< 5 g	F-5	C(4)(a)	Div. B
	≥ 5 g → < 10 g	F-4	C(4)(b)	Div. B
	≥ 10 g → < 20 g	F-3	C(4)(c)	In Favor*
Powder or Crack	≥ 20 g → < 27 g	F-2	C(4)(d)	Mandatory
	≥ 27 g → < 100 g	F-1	C(4)(e)	Mandatory
	≥ 100 g	F-1	C(4)(f)	MDO

**ASSEMBLY OR POSSESSION OF CHEMICALS - §2925.041**

TO MAKE:	AMOUNT	LEVEL/ S or J	DIV./S or J	GUIDANCE/S or J
Sch. I or II*	Any	F-3 F-2	(C) (C)	Div. C Div. C
Metham- phetamine	Any	F-3 F-2	(C)(1) (C)(2)	In Favor** Mand. 3†

**DRUG MANUFACTURING AND CULTIVATION – O.R.C. §2925.04**

DRUG	AMOUNT	LEVEL/S or J	DIV./S or J	GUIDANCE/S or J
Schedule I or II*	Any	F-2 F-1	C(2)(E) C(2)(E)	Mand. MDO‡
Methamphetamine	Any	F-2 †	C(3)(E)	Mand. 3 † MDO‡
Schedule III, IV, or V*	Any	F-3 F-2	C(4) C(4)	Mand. 4∞ MDO‡

DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
LSD: Solid	< 10 UD	F-5	C(5)(a)	Div. B
	≥ 10 UD → < 50 UD	F-4	C(5)(b)	Div. C
	≥ 50 UD → < 250 UD	F-3	C(5)(c)	In Favor
	≥ 250 UD → < 1000 UD	F-2	C(5)(d)	Mandatory
	≥ 1000 UD → < 5000 UD	F-1	C(5)(e)	Mandatory
LSD: Liquid	< 1 g	F-1	C(5)(f)	MDO
	≥ 1 g → < 5 g	F-5	C(5)(a)	Div. B
	≥ 5 g → < 25 g	F-4	C(5)(b)	Div. C
	≥ 25 g → < 100 g	F-3	C(5)(c)	In Favor
	≥ 100 g → < 500 g	F-2	C(5)(d)	Mandatory
Heroin	< 1 g → < 10 UD	F-1	C(5)(e)	Mandatory
	≥ 1 g → < 5 g; ≥ 10 UD → < 50 UD	F-5	C(6)(a)	Div. B
	≥ 5 g → < 10 g; ≥ 50 UD → < 100 UD	F-4	C(6)(b)	Div. C
	≥ 10 g → < 50 g; ≥ 100 UD → < 500 UD	F-3	C(6)(c)	In Favor
	≥ 50 g → < 250 g; ≥ 500 UD → < 2500 UD	F-2	C(6)(d)	Mandatory
Hashish: Solid	≥ 250 g; ≥ 2500 UD	F-1	C(6)(e)	Mandatory
	< 5 g	F-1	C(6)(f)	MDO
	≥ 5 g → < 10 g	MM	C(7)(a)	None
	≥ 10 g → < 50 g	M-4	C(7)(b)	None
	≥ 50 g → < 250 g	F-5	C(7)(c)	Div. B
Hashish: Liquid	≥ 250 g → < 1 kg	F-3	C(7)(d)	Div. C
	≥ 1 kg → < 2 kg	F-2	C(7)(e)	In Favor
	≥ 2 kg	F-2	C(7)(f)	Mand. 5, 6, 7, or 8
	< 1 g	F-2	C(7)(g)	Mandatory 8 yrs
	≥ 1 g → < 2 g	MM	C(7)(a)	None
Marijuana	≥ 2 g → < 10 g	M-4	C(7)(b)	None
	≥ 10 g → < 50 g	F-5	C(7)(c)	Div. B
	≥ 50 g → < 250 g	F-3	C(7)(d)	Div. C
	≥ 250 g → < 1 kg	F-3	C(7)(e)	In Favor
	≥ 1 kg → < 2 kg	F-2	C(7)(f)	Mand. 5, 6, 7, or 8

DRUG	AMOUNT	LEVEL/S or J	DIVISION/S or J	GUIDANCE/S or J
Marijuana	< 100 g	MM	C(5)(a)	None
	≥ 100 g → < 200 g	M-4	C(5)(b)	None
	≥ 200 g → < 1 kg	F-5	C(5)(c)	None
	≥ 1 kg → < 5 kg	F-3	C(5)(d)	Div. B
	≥ 5 kg → < 20 kg	F-3	C(5)(d)	Div. C
Marijuana	≥ 20 kg	F-2	C(5)(e)	In Favor
	≥ 20 kg	F-1	C(5)(f)	In Favor

USE FOOTNOTES FROM TRAFFICKING TABLE, PLUS:  
 † F-5 if the offender previously has been convicted of a drug abuse offense.  
 ‡ If violation involves the sale or possession of such and court finds MDO, then mandatory max from range.

In Favor\*\* = Presumption in favor, but mandatory 2 or 5 year minimum if 2 or more priors.  
 † Minimum prison term of 3 years first offense, 5 years second offense.  
 ∞ Minimum prison term of 4 years first offense, 5 years second offense. Includes "public premises".

# DRUG OFFENSE QUICK REFERENCE GUIDE

Ohio Criminal Sentencing Commission – Chief Justice Maureen O'Connor, Chair; David J. Dirroll, Director  
Effective September 30, 2011 – By David J. Dirroll

## DRUG TRAFFICKING – O.R.C. §2925.03

DRUG	AMOUNT	LEVEL S or J	DIVISION S or J	GUIDANCE	S or J	
Schedule I or II*	< bulk	F-4	C(1)(a)	Div. C	Div. C	
	≥ bulk → <5 x bulk	F-3	C(1)(e)	In Favor*	Mand.	
	≥ 5 → <50 x bulk	F-2	C(1)(d)	Mand.	Mand.	
	≥50 → <100 x bulk	F-1	C(1)(e)	Mand.	Mand.	
	≥ 100 x bulk	F-1	C(1)(f)	MDO	MDO	
Schedule III, IV, V*	< bulk	F-5	C(2)(a)	Div. C	Div. C	
	≥ bulk → <5 x bulk	F-4	C(2)(e)	Div. B	In Favor	
	≥ 5 → <50 x bulk	F-3	C(2)(d)	In Favor	In Favor	
	≥ 50 x bulk	F-2	C(2)(e)	Mand.	Mand.	
	Gift ≤ 20 g	MM^a	M-3	C(3)(h)	None	None
Marijuana	< 200 g	F-5	C(3)(a)	Div. B	Div. B	
	≥ 200 g → < 1 kg	F-4	C(3)(e)	Div. B	Div. C	
	≥ 1 kg → < 5 kg	F-3	C(3)(d)	Div. C	In Favor	
	≥ 5 kg → < 20 kg	F-3	C(3)(e)	In Favor	In Favor	
	≥ 20 kg → < 40 kg	F-2	C(3)(f)	C(3)(f)	Mand. 5, 6, 7, 8 yrs	Mand. F-1 max.
Cocaine: Powder or Crack	≥ 40 kg	F-2	C(3)(g)	Mand. 8 years	Mand. F-1 max.	
	< 5g	F-5	C(4)(a)	Div. C	Div. C	
	≥ 5 g → < 10 g	F-4	C(4)(c)	Div. B	In Favor	
	≥ 10 g → < 20 g	F-3	C(4)(d)	In Favor*	Mand.	
	≥ 20 g → < 27 g	F-2	C(4)(e)	Mand.	Mand.	
Heroin	≥ 27 g → < 100 g	F-1	C(4)(f)	Mand.	Mand.	
	≥ 100 g	F-1	C(4)(g)	MDO	MDO	
	< 10 UD	F-5	F-4	C(5)(a)	Div. C	Div. C
	≥ 10 UD → < 50 UD	F-4	F-3	C(5)(e)	Div. B	In Favor
	≥ 50 UD → < 100 UD	F-3	F-2	C(5)(d)	In Favor*	Mand.
LSD: Liquid	≥ 250 UD → < 500 UD	F-2	C(5)(f)	Mand.	Mand.	
	≥ 500 UD	F-1	C(5)(f)	MDO	MDO	
	< 1 g	F-5	F-4	C(5)(a)	Div. C	Div. C
	≥ 1 g → < 5 g	F-4	F-3	C(5)(e)	Div. B	In Favor
	≥ 5 g → < 25 g	F-3	F-2	C(5)(d)	In Favor*	Mand.
LSD: Solid	≥ 25 g → < 100 g	F-2	C(5)(e)	Mand.	Mand.	
	≥ 100 g → < 500 g	F-1	C(5)(f)	Mand.	Mand.	
	≥ 500 g	F-1	C(5)(g)	MDO	MDO	
	< 1 g → < 10 UD	F-5	F-4	C(5)(a)	Div. C	Div. C
	≥ 10 UD → < 50 UD	F-4	F-3	C(5)(e)	Div. B	In Favor
Hashish: Liquid	≥ 50 UD → < 100 UD	F-3	F-2	C(5)(d)	In Favor*	Mand.
	≥ 100 UD → < 500 UD	F-2	F-1	C(5)(f)	Mand.	Mand.
	≥ 500 UD	F-1	F-1	C(5)(g)	MDO	MDO
	≥ 1 g → < 5 g	F-4	F-3	C(5)(e)	Div. B	In Favor
	≥ 5 g → < 25 g	F-3	F-2	C(5)(d)	In Favor*	Mand.
Hashish: Solid	≥ 25 g → < 100 UD	F-2	C(5)(f)	Mand.	Mand.	
	≥ 100 UD → < 500 UD	F-1	C(5)(g)	MDO	MDO	
	< 10 g	F-5	F-4	C(7)(a)	Div. B	Div. B
	≥ 10 g → < 50 g	F-4	F-3	C(7)(e)	Div. B	Div. B
	≥ 50 g → < 250 g	F-3	F-2	C(7)(d)	Div. C	In Favor
Hashish: Liquid	≥ 250 g → < 1 kg	F-3	F-2	C(7)(e)	In Favor	In Favor
	≥ 1 kg → < 2 kg	F-2	F-1	C(7)(f)	Mand. 5, 6, 7, or 8 years	Mand. 8 years
	≥ 2 kg	F-2	F-1	C(7)(g)	Mand. 8	Mand. 11
	< 2 g	F-5	F-4	C(7)(a)	Div. B	Div. B
	≥ 2 g → < 10 g	F-4	F-3	C(7)(e)	Div. B	Div. B

\* The schedule of controlled substances is in O.R.C. §3719.41.  
 ^ Minor misdemeanor (MM) on first offense, M-3 on a subsequent offense.  
 S or J = The offense occurred in the vicinity of a school or juvenile.  
 MDO (Major Drug Offender) = Mandatory maximum term from F-1 range, R.C. 2929.14(A)(1).  
 Mand., or Mandatory = Judge must impose a prison term from range available for that offense level.  
 In Favor = A rebuttable presumption in favor of imposing a prison term  
 Div. B = Sentencing is guided by R.C. §2929.13(B), the rules for F-4s and F-5s.  
 Div. C = Sentencing is guided by R.C. §2929.13(C).  
 In Favor\* = Presumption in favor, but mandatory if 2 or more prior felony drug abuse offenses.  
 Note: As used in this section, "drug" includes any substance that is represented to be a drug.



# **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 methylenedioxypropylvalerone (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.

*Drug Offenses: Maximum Fines and Terms of Imprisonment for Violation of the CSA*

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-piperidiny] 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.

1 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
2 <sup>nd</sup> offense <sup>8</sup>		
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)		
40 to 399 grams (or 10-99 grams of a mixture containing a detectable amount of any analogue of it)	\$20/75 million	20 years to life
Less than 40 grams	\$8/50 million	10 years to life
	\$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.

Any other Schedule IV substance		
any weight	\$500,000/\$2 million	Up to 10 years
Any Schedule V substance		
any weight	\$200,000/\$500,000	Up to 4 years
3 <sup>rd</sup> offense		
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>		
Any offense		
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>		
Any offense <sup>12</sup>		
All substances	Up to \$250,000	Up to 5 years
<b>Offenses involving essential (listed) chemicals, generally (21 U.S.C. 841(c))</b>		
Any offense <sup>13</sup>		
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>		
Knowing unlawful distribution		
Listed chemicals [under 21 U.S.C. 802 (33)]	Up to \$250,000	Up to 5 years
Knowing possession of unreported listed chemicals		
Listed chemicals [under 21 U.S.C. 802 (33)]	Up to \$100,000	Up to 1 year

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<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

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<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 marijuana 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*.

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

**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

**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

**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>

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>

Any offense

Use of person under 14 or distribution to a person under 18 Up to \$50,000    Up to 5 years

**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)

**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

2<sup>nd</sup> offense Up to \$250,000    Up to 8 years

**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.

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

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**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

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## Smuggling

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**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

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<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).

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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