

**Drug-free Workplace
LEGAL SANCTIONS
BU-PP 030B**

LEGAL SANCTIONS APPLICABLE TO DRUG AND ALCOHOL USE:

A. Federal Penalties and Sanctions

21 United States Code 844(a):

1st conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fined at least \$5,000 but not more than \$250,000, or both

Special sentencing provisions for possession of crack cocaine: Mandatory at least five years in prison, not to exceed 20 years, and fined up to \$250,000, or both if:

(a) 1st conviction and the amount of crack possessed exceeds five grams.

(b) 2nd crack conviction and the amount of the crack possessed exceeds three grams.

(c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds one gram.

21 United States Code 853(a)(2) and 881(a)(7):

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

21 United States Code 881(a)(4):

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 United States Code 844a:

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 United States Code 853a:

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 United States Code 922(g):

Ineligible to receive or purchase a firearm.

Miscellaneous:

Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

B. State Penalties and Sanctions

Texas Penal Code Sec. 42.08:

Being intoxicated in public such that one is a danger to oneself or others is punishable by a fine of up to \$200.

Texas Alcoholic Beverage Code Sec. 1.05.101.31:

It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law carries a penalty of up to \$1,000 and/or up to one year in prison.

Texas Alcoholic Beverage Code Sec. 106.02. 106.04-106.05:

The purchase, possession, or consumption of alcoholic beverages by a person under twenty-one years of age subjects that person to a fine of up to \$200 for the first offense and up to \$500 for the second offense.

Texas Alcoholic Beverage Code Sec. 106.06:

Furnishing alcoholic beverages to a minor is punishable by fine of up to \$500.

Texas Education Code Sec. 4.22:

The possession of an intoxicating beverage on the grounds of any public school carries a penalty of up to \$200.

Texas Revised Civil Statutes art.. 67011-1(b), (c) and (e):

Driving under the influence of alcohol is punishable by a fine of \$100 to \$2,000 and/ or three days to two years in prison for the first offense and \$500 to \$2,000 fine and 60 days to five years in

prison for subsequent offenses.

Texas Alcohol Beverage Code Sec. 106.07:

A person under twenty-two years of age who misrepresents his/her for the purpose of purchasing alcohol beverages may be punished by a fine of up to \$500.

Texas Health and Safety Code Sec. 481.106-481.107:

The illegal distribution, possession, or use of controlled substances may be punished by five years to life in prison and up to \$20,000 fine.

Texas Health and Safety Code Sec. 481.112-481.120 and 481.121(c) and (d):

The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of ten years to life and up to \$100,000 fine.

Texas Health and Safety Code Sec. 481.121 (a) and (b):

The possession of marijuana may be punished by two to twenty years in prison and/or up to a \$10,000 fine depending on the amount of marijuana involved.

Texas Health and Safety Code Sec. 481.122:

The distribution of marijuana to a minor is punishable by five to ninety nine years in prison and/or up to \$50,000 fine.

C. Local Penalties and Sanctions

Waco Code Sec. 5-11:

Consumption of or possession of an alcoholic beverage with intent to consume in a public place at anytime on Sunday between 2:15 a.m. and noon or on any other day between 2:15 a.m. and 7 a.m. is a misdemeanor punishable by a fine of up to \$50.

Waco Code Sec. 5-13:

Intoxication either in public or at any private house except his/her own is punishable by a fine of up to \$100.

Waco Code Sec. 5-14:

Consumption of an alcoholic beverage on any city street, sidewalk, or other public way is prohibited.

Waco Code Sec. 5-15:

The sale of any alcoholic beverage to a person who is under the influence of intoxicating liquor, for either on-premises or off-premises consumption is prohibited.

Waco Code Sec. 5-16:

The sale of any alcoholic beverage to any person under the age of twenty-one years is prohibited.

Waco Code Sec. 5-17:

No person engaged in the business of selling alcoholic beverages may employ any person under the age of twenty-one years to selling, handling, transporting, or dispensing any alcoholic beverage.

Waco Code Sec. 5-18:

The purchase of any alcoholic beverage by a person under twenty-one years of age is punishable by a fine of not less than \$10 or more than \$100.

Waco Code Sec. 5-19:

The possession or consumption of any alcoholic beverage in a public place by a person under the age of twenty-one years is punishable by a fine of not less \$10 or more than \$100, unless such person is accompanied by his parent, guardian, or adult husband or wife who is actually visible and personally present at the time such alcoholic beverage is possessed or consumed.

Waco Code Sec. 5-20:

Bringing, carrying or possessing an alcoholic beverage in any enclosure, field, or stadium where athletic events are sponsored or participated in by any public school is prohibited.