

Virginia Laws Governing Alcohol & Other Drugs

In accordance with federal legislation, known as the Drug-Free Schools and Communities Act, Eastern Mennonite University is required to communicate the information in this section regarding the unlawful possession, use or distribution of illicit drugs and alcohol to its students and employees. Federal regulations stipulate that this information be distributed annually.

Federal Sanctions – Illicit Drug Laws

Pursuant to federal law, the United States Sentencing Guidelines establish mandatory minimum penalties for categories of drug offenses and provide for penalty enhancements in specific cases. Under these federal guidelines, courts can sentence a person for up to 6 years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana; a sentence of life imprisonment can result from a conviction of possession of a controlled substance that results in death or bodily injury; and, possession of more than 5 grams of cocaine can trigger an intent to distribute penalty of 10-16 years in prison.

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

21 U.S.C. 844 (a)

- 1st conviction: Up to 1 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 2 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 3 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 5 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 5 grams; (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; or (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 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 1 year imprisonment. (See specially sentencing provisions re: crack, above.)

21 U.S.C. 881 (a) (4)

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

21 U.S.C. 844a

- Civil fine of up to \$10,000

21 U.S.C. 862

- Denial of Federal Benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922 (g)

- Ineligible to purchase, receive, or transport a firearm.
- Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Federal Penalties for Illegal Trafficking of Controlled Substances

The Controlled Substances Act (CSA), Title II of the comprehensive Drug Abuse Prevention and Control Act of 1970, is a consolidation of numerous federal laws regulating the manufacture and distribution of controlled substances. The CSA places all use, potential for abuse and safety or dependence liability.

The CSA provides penalties for the unlawful manufacturing and distribution of controlled substances. The charts on pages 28-29 of the U.S. Department of Justice publication, *Drug of Abuse, 2015 Edition*, provides an overview of the penalties for trafficking of controlled substances.

For additional details about Federal illicit drug laws, visit the following websites:

- S. Drug Enforcement Agency – www.dea.gov
- Controlled Substances Act – usdoj.gov/dea/agency/csa.htm

https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf

City of Harrisonburg Alcohol Ordinances

Open Container and Drinking in Public

Code 16-8-51

- If any person shall take a drink of alcoholic beverage or shall tender a drink thereof to another, whether accepted or not, at or in any public place, he shall be guilty of a Class 4 misdemeanor.
- It shall be unlawful for any person to possess an open or opened container, can, cup, glass or bottle containing an alcoholic beverage in any city park or playground or on any public street in the city.

City Ordinance Violations are enforced by both patrol and special enforcement officers of the Harrisonburg Police Department. Violations will receive enforcement action when they are observed, not only in response to complaints. This law does apply to sidewalks and parking lots open to the public. Persons who consume or are in possession of alcoholic beverages while sitting in vehicles are subject to this charge. To avoid being charged with this violation, all those participants at your event must stay on your property. Walking or driving from place to place with an open container of alcoholic beverages, including cups, is a violation of this law.

Drunk in Public
Code 16-7-33

If any person profanely curse or swear or be drunk in public he shall be guilty of a class 4 misdemeanor.

Persons are arrested and taken to detoxify because of dangerous criminal behavior. The safety of the subject, safety of others, and protection of property are the main concerns regarding this code.