

Alcohol and Other Drugs: Penalties Under State and Federal Law

PENALTIES UNDER TEXAS LAW		
OFFENSE	MINIMUM PUNISHMENT	MAXIMUM PUNISHMENTS
Manufacture or delivery of a controlled substance (drugs)	<p>Group 1 drug offenses: less than one gram is a state jail felony; more than one gram and less than four grams is a second degree felony; more than four grams and less than 200 grams is a first degree felony;</p> <p>Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a second degree felony; number of abuse units more than 80 and less than 4,000 is a first degree felony;</p> <p>Group 2 drug offenses: less than one gram is a state jail felony; more than one gram and less than four grams is a second degree felony;</p> <p>Group 3 and 4 drug offenses: less than 28 grams is a state jail felony; more than 28 grams and less than 200 grams is a second degree felony;</p>	<p>Group 1- than 400 Imprisonment in the Texas Department of Criminal Justice more than 200 grams and less grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine; more than 400 grams is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.</p> <p>Group 1-A drug offenses: more than 4,000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.</p> <p>Group 2 drug offenses: more than four grams and less than 400 grams is a first degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,00 fine</p> <p>Group 3 and 4 drug offenses: more than 200 grams and less than 400 grams is a first degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.</p>
Possession of a controlled substance (drugs)	<p>Confinement in jail for a term not to exceed 1 year and/or a fine not to exceed \$4,000.</p> <p>Group 1 drug offenses: less than one gram is a state jail felony; more than one gram and less than four grams is a third degree felony; more than four grams and less than 200 grams is a second degree felony; more than 200 grams and less than 400 grams is a first degree felony;</p> <p>Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a third degree felony; number of abuse units more than 80 and less than 4,000 is a second degree felony;</p> <p>Group 2 drug offenses: less than one gram is a state jail felony; more than one gram and less than four grams is a third degree felony; more than four</p>	<p>Imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000.</p> <p>Group 1 drug offenses: more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.</p> <p>Group 1-A drug offenses: more than 4,000 units and less than 8,000 units is a first degree felony; and more than 8,000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.</p> <p>Group 2 drug offenses: more than 400 grams is life imprisonment or a term of five to 99 years and up to a \$50,000 fine.</p> <p>Group 3 drug offenses: more than 400 grams is life imprisonment or a term of</p>

	<p>grams and less than 400 grams is a second degree felony;</p> <p>Group 3 drug offenses: less than 28 grams is a Class A misdemeanor; more than 28 grams and less than 200 grams is a third degree felony; more than 200 grams and less than 400 grams is a second degree felony;</p> <p>Group 4 drug offenses: less than 28 grams is a Class B misdemeanor; more than 28 grams and less than 200 grams is a third degree felony; more than 200 grams and less than 400 grams is a second degree felony;</p>	<p>five to 99 years and up to a \$50,000 fine.</p> <p>Group 4 drug offenses: more than 400 grams is life imprisonment or a term of five to 99 years and up to a \$50,000 fine.</p>
Delivery of Marijuana	<p>Delivery of marijuana offenses: less than one quarter ounce is a Class B misdemeanor if delivery is without compensation; less than one quarter ounce is a Class A misdemeanor if delivery is for compensation; more than one quarter ounce and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a second degree felony; more than 50 pounds and less than 2,000 pounds is a first degree felony;</p>	<p>Delivery of marijuana offenses: more than 2,000 pounds is life imprisonment or a term of 10 to 99 years and a fine not to exceed \$100,000.</p>
Possession of Marijuana	<p>Possession of marijuana offenses: less than two ounces is a Class B misdemeanor; more than two ounces and less than four ounces is a Class A misdemeanor; more than 4 ounces and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a third degree felony; more than 50 pounds and less than 2,000 pounds is a second degree felony;</p>	<p>Possession of marijuana offenses: more than 2,000 pounds is life imprisonment or a term of five to 99 years and a fine not to exceed \$50,000. Confinement in a jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000.</p>
Delivery of a controlled substance or marijuana to a minor		<p>Imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 20 years or less than 2 years, and a fine not to exceed \$10,000.</p>
Driving While Intoxicated	<p>Class B misdemeanor with a minimum term of confinement of 72 hours unless the driver had an open container of alcohol in their possession in which case the offense is a Class B misdemeanor with a minimum term of confinement of six days in jail.</p>	<p>One prior conviction enhances the punishment to a Class A misdemeanor with a minimum term of confinement of 30 days; two prior convictions enhances the punishment to a third degree felony.</p>
Public Intoxication	<p>A person appears in a public place while intoxicated to the degree that the person may endanger himself or another person is punishable as a Class C misdemeanor,</p>	<p>A person appears in a public place while intoxicated to the degree that the person may endanger himself or another person is punishable as a Class C misdemeanor unless the person is younger than 21 years old,</p>

		wherein Sections 106.071 and 106.115, Texas Alcoholic Beverage Code apply and provide for a Class C misdemeanor punishment and attendance at an alcohol awareness program, and where the offender has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of eight to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.
Intoxication Assault		Imprisonment in the Texas Department of Criminal Justice for a term of not more than 10 years or less than 2 years and a fine not to exceed \$10,000.
Intoxication Manslaughter		Imprisonment in the Texas Department of Criminal Justice for a term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.
Purchase of alcohol by a minor	Purchase of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program	Purchase of alcohol by a minor is punishable as a Class C misdemeanor when the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of eight to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program..
Consumption of alcohol by a minor	Consumption of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program,	The person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of eight to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

Consumption or Possession of Alcoholic Beverage in Motor Vehicle		Fine not to exceed \$500.
Possession of alcohol by a minor	Fine not to exceed \$500.	Fine of not less than \$250 nor more than \$2,000 and/or confinement in jail for not more than 180 days.
Purchase of alcohol for a minor		Fine of not more than \$4,000 and/or confinement in jail for not more than 1 year.
Sale of alcohol to a minor	Penalty for selling alcohol to a minor is a Class A misdemeanor.	Fine of not more than \$4,000 and/or confinement in jail for not more than 1 year.
Attempt to purchase alcohol by a minor	Fine not to exceed \$500.	Fine of not less than \$250 nor more than \$2,000 and/or confinement in jail for not more than 180 days.
Misrepresentation of age by a minor	Fine not to exceed \$500. Misrepresentation of age by a minor to a person selling or serving alcoholic beverages is punishable as a Class C misdemeanor and attendance at an alcohol awareness program awareness program.	Offender is a minor previously convicted twice for alcohol-related offenses, a fine of not less than \$250 or more than \$2,000; confinement in jail for a term not to exceed 180 days; or both fine and imprisonment; community service of eight to 40 hours; suspension of Texas Driver's License for 30 to 180 days and attendance at an alcohol awareness program.

PENALTIES UNDER FEDERAL LAW		
Manufacture, distribution, or dispensing drugs (includes marijuana)	A term of imprisonment not less than five years, and a fine of not more than \$250,000 for an individual.	A term of life imprisonment without release (no eligibility for parole) and a fine not to exceed \$8,000,000 (for an individual) or \$20,000,000 (if other than an individual).
Possession of drugs (including marijuana)	Civil penalty in amount not to exceed \$10,000	Imprisonment for not more than 20 years nor less than 5 years, a fine of not less than \$5,000 plus costs of investigation and prosecution.
Operation of a Common Carrier under the influences of alcohol or drugs		Imprisonment for up to 15 years and a fine not to exceed \$250,000.