

Drugs Students should be aware that, in addition to Cooper Union sanctions, they may be subject to criminal prosecution under federal and state laws which specify severe penalties, including fines and imprisonment for drug-related criminal offenses. The chart below provides information concerning Federal law. New York State law on this issue is extensive; students who would like a copy of the relevant state laws may request one at the Office of Student Services or download one from FindLaw.com.

Federal Trafficking Penalties

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500–4999 gms mixture	FIRST OFFENSE: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual	5 kgs or more mixture	FIRST OFFENSE: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28–279 gms mixture		280 gms or more mixture	
Fentanyl (Schedule II)	40–399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10–99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100–999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 gms mixture	SECOND OFFENSE: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual	10 gms or more mixture	SECOND OFFENSE: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Methamphetamine (Schedule II)	5–49 gms pure or 50–499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10–99 gms pure or 100–999 gms mixture		100 gm or more pure or 1 kg or more mixture	
				2 OR MORE PRIOR OFFENSES: Life imprisonment

Federal Trafficking Penalties

Drug/Schedule	Quantity	Penalties
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	FIRST OFFENSE: Not more that 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. SECOND OFFENSE: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual
Flunitrazepam (Schedule IV)	1 gm or more	
Other Schedule III drugs	Any amount	FIRST OFFENSE: Not more than 10 years. If death or serious injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.
Flunitrazepam (Schedule IV)	30 to 999 mgs	SECOND OFFENSE: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1.5 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	FIRST OFFENSE: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Less than 1 gm	SECOND OFFENSE: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All Schedule V drugs	Any amount	FIRST OFFENSE: Not more than 4 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. SECOND OFFENSE: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties—Marijuana

Drug/Schedule	Quantity	1st Offense	2nd Offense
Marijuana (Schedule 1)	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana (Schedule 1)	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> • Not less than 5 years, not more than 40 years • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana (Schedule 1)	more than 10 kgs hashish; 50 to 99 kg mixture more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> • Not more than 20 years • If death or serious injury, not less than 20 years, not more than life • Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not more than 30 years • If death or serious injury, mandatory life • Fine \$2 million if an individual, \$10 million if other than individual
Marijuana (Schedule 1)	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> • Not more than 5 years • Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> • Not more than 10 years • Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule 1)	10 kg or less		
Hashish Oil (Schedule 1)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$8 million if an individual and \$20 million if other than an individual.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844(a)

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

After one 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 three years and fined at least \$5000, 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) first conviction and the amount of crack possessed exceeds 5 grams.
- (b) second crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) third or subsequent crack conviction and the amount of crack possessed exceeds one 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 one year imprisonment.

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 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 one year for first offense, up to five years for second and subsequent offenses.

8 U.S.C. 922(g)

Ineligible to receive, purchase 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.