

## **Southeastern Illinois College Drug and Alcohol Biennial Review**

### **Illinois Sanctions For Violation of Alcohol Control Statutes**

235 Illinois Compiled Statutes 5/6-20

- A. Class A Misdemeanor - unlawful use of a identification card
- B. Class 4 Felony - fictitious or unlawfully altered identification card
- C. Class 4 Felony - fraudulent identification card
- D. Class B Misdemeanor to possess or sell alcohol if you are under 21.\*
- E. Class A Misdemeanor to sell, give, or deliver alcohol to individuals under 21 years of age.  
Local ordinances may also be enforced.

Class A Misdemeanors are punishable with a fine of \$1 to \$2,500 and up to 1 year in the county jail.

Class B Misdemeanors are punishable with a fine of \$1 to \$1,500 and up to 6 months in the county jail.

- These violations may also result in one's driver's license being administratively revoked or suspended by the Illinois Secretary of State's office.

### **Illinois Sanctions For Driving Under The Influence**

625 Illinois Compiled Statutes 5/11-501

- A. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof
  - a. First Conviction
    - i. Minimum of one-year loss of full driving privileges
    - ii. Possible imprisonment for up to one year
    - iii. Maximum fine of \$2,500
  - b. Second Conviction
    - i. Minimum five-year loss of full driving privileges for a second conviction in a 20-year period
    - ii. Mandatory five days imprisonment or 240 hours of community service
    - iii. Possible imprisonment for up to one year
    - iv. Maximum fine of \$2,500
  - c. Third Conviction - Class 2 Felony
    - i. Minimum ten-year loss of full driving privileges
    - ii. Mandatory 18-30 month periodic imprisonment
    - iii. Possible imprisonment for up to seven years

- iv. Maximum fine of \$25,000
  - d. Aggravated DIU - Class 4 Felony (following a crash resulting in great bodily harm or permanent disfigurement)
    - i. Minimum of one-year loss of full driving privileges
    - ii. Mandatory ten days imprisonment or 480 hours of community service
    - iii. Possible imprisonment for up to twelve years
    - iv. Maximum fine of \$25,000
- B. Other alcohol offenses
- a. Providing alcohol to a person under age 21
    - i. Possible imprisonment for up to one year
    - ii. Maximum fine of \$2,500
  - b. Illegal transportation of an alcoholic beverage
    - i. Maximum fine of \$1,000
    - ii. Point-assigned violation will be entered on drivers record
    - iii. Drivers license suspension for a second conviction in a 12 month period
  - c. Knowingly permitting a driver under the influence to operate a vehicle
    - i. Possible imprisonment for up to one year
    - ii. Maximum fine of \$2,500
  - d. Summary Suspension
    - i. First offense
      - 1. A chemical test indication a BAC of .08 or greater results in a mandatory six-month drivers license suspension
      - 2. Refusal to submit to a chemical test(s) results in a twelve-month suspension
    - ii. Subsequent offenses
      - 1. A chemical test indicating a BAC of .08 or greater results in a mandatory one-year drivers license suspension
      - 2. Refusal to submit to a chemical test(s) results in a three-year license suspension

## **Illinois Penalties For Drinking and Driving Under Age 21**

- A. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof
  - a. First Conviction
    - i. Minimum of two-year loss of full driving privileges
    - ii. Possible imprisonment for up to one year
    - iii. Maximum fine of \$2,500
  - b. Second Conviction
    - i. Minimum five-year loss of full driving privileges for a second conviction in a 20-year period
    - ii. Mandatory five days imprisonment or 240 hours of community service
    - iii. Possible imprisonment for up to one year
    - iv. Maximum fine of \$2,5000

- c. Third Conviction – Class 2 Felony
  - i. Minimum ten-year loss of full driving privileges
  - ii. Mandatory 18-30 month periodic imprisonment
  - iii. Possible imprisonment for up to seven years
  - iv. Maximum fine of \$25,000
- d. Aggravated DUI – Class 4 Felony (following a crash resulting in great bodily harm or permanent disfigurement)
  - i. Minimum of one-year loss of full driving privileges
  - ii. Possible imprisonment for up to twelve years
  - iii. Maximum fine of \$25,000
- B. Other alcohol offenses
  - a. Illegal transportation of an alcoholic beverage
    - i. Maximum fine of \$1,000
    - ii. Drivers license suspended for first conviction
    - iii. Drivers license revoked for a second conviction
  - b. Summary Suspension
    - i. First offense
      - 1. A chemical test indication a BAC of .08 or greater results in a mandatory six-month drivers license suspension
      - 2. Refusal to submit to a chemical test(s) results in a twelve-month suspension
    - ii. Subsequent offenses
      - 1. A chemical test indicating a BAC of .08 or greater results in a mandatory one-year drivers license suspension
      - 2. Refusal to submit to a chemical test(s) results in a three-year license suspension
- C. The Zero Tolerance Law provides that minors can have their driving privileges suspended even if they're not intoxicated at the .08 level. The following table shows the length of time your driving privileges may be suspended under the Zero Tolerance Law (for BAC of .01 or greater) and DUI Laws (for BAC of .08 or greater). The loss of driving privileges is greater if you refuse to take a sobriety test.

	Under Zero Tolerance Law		Under DUI Laws	
		If test refused		If test refused
<b>1st Violation</b>	3 months	6 months	6 months	12 months
<b>2nd Violation</b>	1 year	2 years	1 year	3 years

### Effect on Driving Record

- Zero tolerance (BAC of .01 or greater) – except during suspension period, not on public driving record as long as there is no subsequent suspension.
- DUI conviction (BAC of .08 or greater) – Permanently on public driving record

\* Under certain conditions, you may be charged with DUI even though your BAC is below .08.

Except during suspension period, violation is not on public driving record as long as there is no subsequent suspension permanently on public driving record.

### State of Illinois Statutory Provisions For Illegal Drugs Manufacture or Delivery

Illegal Drugs	Manufacture or Delivery (720 Illinois Compiled Statutes 570/401)				Possession (720 ILCS 570/402)	
	Class X Felony	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 1 Felony	Class 4 Felony
	6 to 30 years not more than \$500,000 fine	4 to 15 years not more than \$250,000 fine	3 to 7 years not more than \$200,000 fine	2 to 5 years not more than \$150,000 fine	4 to 15 years not more than \$20,000 fine	1 to 4 years not more than \$15,000 fine
<b>Heroin</b>	15 grams or more	10-14 grams	10 grams or less		15 grams or more	less than 15 grams
<b>Cocaine</b>	15 grams or more	1-14 grams	1 gram or less		15 grams or more	less than 15 grams
<b>Morphine</b>	15 grams or more	10-14 grams	10 grams or less		15 grams or more	less than 15 grams
<b>Peyote</b>	200 grams or more	50-199 grams		50 grams or less	200 grams or more	less than 200 grams
<b>Barbiturates</b>	200 grams or more	50-199 grams		50 grams or less	200 grams or more	less than 200 grams
<b>Amphetamines</b>	200 grams or more	50-199 grams		50 grams or less	200 grams or more	less than 200 grams
<b>Lysergic Acid (LSD)</b>	15 grams or more	5 to 14 grams or hits		5 grams or less	15 grams or more	less than 15 grams
<b>Petazocine</b>	30 grams or more	10 to 29 grams		10 grams or less	30 grams or more	less than 30 grams
<b>Methaqualone</b>	30 grams or more	10 to 29 grams		10 grams or less	30 grams or more	less than 30 grams
<b>Phencyclidine</b>	30 grams or	10 to 29		30 grams	30 grams	less than

	more	grams		or less	or more	30 grams
<b>Ketamine</b>	30 grams or more	11 to 30 grams		less than 10 grams	30 grams or more	less than 30 grams
<b>GHB</b>	200 grams or more	50 to 200 grams		less than 50 grams	200 grams or more	less than 200 grams
<b>Ecstasy</b>	200 grams or more	50 to 199 grams		50 grams or less	200 grams or more	less than 200 grams

Note: Second Offense, double jail sentence and fine. This chart gives examples of the penalties which may be imposed on individuals convicted of drug possession, manufacturing, or delivery. The circumstances of the case and other factors affect whether or not these are the actual penalties imposed.

### **Possession (720 Illinois compiled Statutes 550/4)**

During the 2016 summer, the Illinois Cannabis Control Act was amended making:

- Possession of 10 grams or less of cannabis a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200.
- Possession of any drug paraphernalia seized during the arrest for possession of 10 grams or less of cannabis a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200.
- Unlawful use of cannabis-based product manufacturing equipment punishable as a Class 2 felony.
- Unlawful for a person to drive or be in actual physical control of any vehicle, snowmobile, or watercraft within Illinois when the person has, within 2 hours thereof, a tetrahydrocannabinol (THC) concentration in the person's whole blood or other bodily substance of 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance from the unlawful consumption of cannabis (rather than a cannabis THC concentration in any amount).

Marijuana possession greater than 10 grams maintains its original scheduling and classification.

Class A Misdemeanor: between 10-30 grams, \$1,000 fine and/or one year in jail.

Class 4 Felony: between 30-500 grams, 1-3 years in jail and/or \$10,000 fine.

Class 3 Felony: over 500 grams, 2-5 years in jail and/or fine not to exceed \$50,000.

### **Marijuana Sale or Delivery (720 Illinois Compiled Statutes 550/5)**

Class B Misdemeanor: 2.5 grams or less, \$500 fine and/or six months in jail

Class A Misdemeanor: 2.5-10 grams or less, \$1,000 fine and/or one year in jail

Class 4 Felony: between 10-30 grams, 1-3 years in jail and/or \$10,000 fine

Class 3 Felony: between 30-500 grams, 2-5 years in jail and/or fine not to exceed \$50,000

Class 2 Felony: 500 or more grams, 3-7 years in jail and/or fine not to exceed \$100,000

### **Federal Drug Laws**

The possession, use, or distribution of illicit drugs, including any form of marijuana or cannabis, is prohibited by federal law. As per the Federal Drug Free Workplace Act, the Drug Free Schools and Campuses Act, until otherwise classified or scheduled, all forms of marijuana use, including medicinal marijuana, are to be considered illegal on all campus property, and during all official university sponsored events and activities. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

### **Denial of Federal Aid (20 USC 1091)**

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

### **Forfeiture of Personal Property and Real Estate (21 USC 853)**

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

### **Federal Drug Trafficking Penalties (21 USC 841)**

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of

federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

<b>Drug/Substance</b>	<b>Amount</b>	<b>Penalty - 1st Conviction</b>
Barbiturates	Any amount	Up to 5 years prison. Fine up to \$250,000
Cocaine	5 kgs. or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	Less than 100 grams	10-63 months prison. Fine up to \$1 million
Crack Cocaine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	5-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	5 grams or less	10-63 months prison. Fine up to \$1 million
Ecstasy	Any amount	Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
GHB	Any amount	Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)
Hashish	10-100 kg	Up to 20 years imprisonment. Fine up to \$1 million.
	10 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Hash Oil	1-100 kg	Up to 20 years imprisonment. Fine up to \$1 million.
	1 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Heroin	1 kg or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	100-999 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	100 grams or less	10-63 months prison. Fine up to \$1 million

	less	
Ketamine	Any amount	Up to 5 years imprisonment. Fine up to \$250,000. 2 years supervised release
LSD	10 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	1-10 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
Marijuana	1000 kg or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	100-999 kg	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	50-99 kg	Up to 20 years imprisonment. Fine up to \$1 million
	50 kg or less	Up to 5 years imprisonment. Fine up to \$250,000
Methamphetamine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	10-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	10-21 months prison. Fine up to \$1 million
PCP	100 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	10-99 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	10 grams or less	10-21 months prison. Fine up to \$1 million
Rohypnol	1 gram or more	Up to 20 years imprisonment. Fine up to \$1 million
	less than 30 mgs	Up to 5 years imprisonment. Fine up to \$250,000

### **Federal Drug Possession Penalties (21 USC 844)**

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2



years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a fine up to \$250,000, or both if:

- A. It is a first conviction and the amount of crack possessed exceeds 5 grams;
- B. It is a second conviction and the amount of crack possessed exceeds 3 grams;
- C. It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

### **Counseling and Treatment**

For short term alcohol and other drug counseling, Southeastern Illinois College refers students and employees to Egyptian Health Department (618-273-3326). Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

### **Prevention and Education**

As mandated by the Drug-Free Schools and Campuses Act, this policy is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted. For more information concerning current programs, interventions and policies, contact Chad Flannery at (618) 252-5400 ext. 2400 or at [chad.flannery@sic.edu](mailto:chad.flannery@sic.edu)

*\*Adapted from Eastern Illinois University Health Service Department: <https://www.eiu.edu/mandatedinformation/drug.php>*