

Portland, State of Oregon, and Federal Sanctions

City of Portland Sanctions

The City of Portland establishes sanctions for certain alcohol violations, generally punishable by a fine of not more than \$500, or by imprisonment of not more than 6 months, or by both. No penalty shall be greater than that allowed under Oregon law. PCC 14A.20.060.

- **Alcohol on Public Property and Rights of Way (PCC 14A.50.010):** prohibits drinking alcohol or possessing bottle, can or other receptacle that has been opened, the seal broken, or the contents partially removed upon any street, sidewalk or other public right of way.
- **Streetcar (PCC 14A.110.220):** prohibits a person from possessing an open container of alcoholic beverage or from being under the influence of alcohol or a controlled substance on a Portland Streetcar vehicle or at a Portland Streetcar station.
- **Vehicle Impoundment (PCC 14B.40.010):** provides that a vehicle used by a person arrested in the City for DUII may be seized and impounded.

State of Oregon Sanctions

Alcohol

- **MIP - Minor in Possession:** No minor under 21 years of age shall attempt to purchase or be in possession of alcoholic liquor. Possession may include holding, consuming or attempting to purchase alcohol. Personal possession of alcoholic liquor includes consumption of liquor. Fine: Up to \$1,000 (Class B Violation) ORS 471.430 (1)
- **Controlling an Area Where Minors are Permitted to Consume Alcohol:** No person in control of property may knowingly allow minor(s) to consume alcohol or allow minor(s) to remain on the property after consuming. Private property may include a hotel room, camp site, or any rented/leased location. Fine: 1st offense up to \$2,000 (Class A Violation), 2nd and subsequent violation is specific fine violation with presumptive fine of \$1,000 ORS 471.410 (3)
- **Furnishing Alcoholic Liquor to a Minor:** No one shall sell, give or otherwise make available any alcoholic liquor to a person under the age of 21 years. Penalty: Fine up to \$6,250 (or double the gain from commission of offense) and/or jail or both (Class A Misdemeanor) ORS 471.410(2)
- **Driving Under the Influence:** A person commits the offense of driving while under the influence of intoxicants if the person drives a vehicle while the person has a blood alcohol content of 0.08 or more and/or under the influence of intoxicating liquor and/ or controlled substance. Under state of Oregon DUII statutes, for a person under 21 years of age, any amount of alcohol in the blood constitutes being under the influence of intoxicating liquor. Penalty: Fine up to \$6,250 and/or jail or both (Class A Misdemeanor) and subject to statute requiring minimum fine of \$1,000 for 1st offense, \$1,500 fine for 2nd offense, and \$2,000 fine for the 3rd or subsequent conviction if the person is not sentenced to a term of imprisonment. Additional penalties may include: fee to be paid on conviction, suspension of license, mandatory alcohol education, screening and treatment, mandatory

imprisonment or community service, attendance at victim impact treatment session and session fee, and ignition interlock device installed on your vehicle ORS 813.01

- **Misrepresentation of Age by a Minor:** When minors misrepresent their age, purposely are not truthful about their age to purchase alcohol, enter a lounge or evade detection by law enforcement, the minor may be fined. If DMV identification is used in misrepresentation, the minor's driving privileges may be suspended for up to one year and/or the minor will have to wait for up to one year to apply for a driver's license and the minor may be required to perform community service. Penalty: Fine up to \$1,250 and/or jail or both (Class C Misdemeanor) ORS 165.805
- **False Swearing:** Falsifying information knowing that what you say is untrue. Anyone purchasing a keg using a false name or any other deceitful information shall be subject to this definition. Penalty: Fine up to \$6,250 and/or jail or both (Class A Misdemeanor) ORS 162.075 (1)
- **Entry of Licensed Premises by Persons Under 21:** No one under 21 years of age shall enter or attempt to enter any area of a licensed premise that is posted or otherwise identified as prohibited to minors. Fine: Up to \$1,000 (Class B Violation) ORS 471.430 (3 and 4)
- **Mixing, Storing or Serving Alcohol Without a License:** No person who owns, operates or conducts a private or public club and who is not in possession of a license issued by the commission permitting the mixing, storing, and serving of alcoholic liquor at said premises, and no agent, servant or employee of such person, for a financial consideration by way of a charge for service, membership fee, admission fee, initiation fee, club dues, contributions or other fee or charge, shall serve or permit to be serve. Penalty: Fine up to \$6,250 and/or jail or both (Class A Misdemeanor) ORS 471.475

Illicit drugs

In Oregon, penalties for possession and distribution are determined by the controlled Substance Schedule upon which the drug appears. Examples from the drug schedules appear below. (Note: Most drugs appear on the same federal and state schedules. On July 1, 2015, changes in Oregon law come into effect regarding marijuana; however, that substance continues to be a controlled substance under federal law. As a federally-controlled substance, the use, possession, manufacture, or distribution of marijuana in any form is prohibited on campus).

- **Schedule I:** Heroin, LSD, Marijuana, Peyote, Mescaline, Psilocybin
- **Schedule II:** Cocaine, Amphetamine, Methamphetamine
- **Schedule III:** Anabolic Steroids, Buprenorphine
- **Schedule IV:** Various prescription drugs
- **Schedule V:** Other less dangerous prescription drugs and small amounts of certain drugs

Penalties are established in ORS 475.752 et seq. and are generally set forth below. Certain penalties are increased if unlawful act is within 1,000 feet of a school.

Marijuana (until July 1, 2015 (affected by Measure 91))

- **Delivery for consideration (selling, dealing, or bartering)** – Class B Felony (up to 10 years imprisonment and fine up to \$250,000 or up to twice the value of any resulting gain of property or money)
- **Delivery not for consideration (less than 1 oz.)** – Class A Misdemeanor (up to 1 year imprisonment and fine up to \$6,250 or up to twice the value of any resulting gain of property or money)
- **Delivery not for consideration (less than 5 gm.)** – violation (specific fine violation with presumptive fine of \$650)
- **Unlawful Possession less than 1 oz.)** – violation (violation (specific fine violation with presumptive fine of \$650)
- **Unlawful Possession (more than 1 oz. but less than 4 oz.)** – Class B Misdemeanor (up to 6 months imprisonment and fine \$2,500 or up to twice the value of any resulting gain of property or money)
- **Unlawful Possession (more than 4 oz.)** – Class C Felony (up to 5 years imprisonment and fine up to \$125,000 or up to twice the value of any resulting gain of property or money)

Marijuana Product

- **Unlawful Possession (less than 1/4 oz.)** – Class B Misdemeanor (up to 6 months imprisonment and fine up to \$2,500 or up to twice the value of any resulting gain of property or money)
- **Unlawful Possession (1.4 oz. or more)** – Class C Felony (up to 5 years imprisonment and fine up to \$125,000 or up to twice the value of any resulting gain of property or money)

SCHEDULE I DRUGS

Manufacture or distribution (except marijuana) – Class A Felony (up to 20 years imprisonment and fine up to \$375,000 or up to twice the value of resulting gain of property or money)

Unlawful Possession – Class B Felony (up to 10 years imprisonment and fine up to \$100,000 or up to twice the value of resulting gain of property or money).

SCHEDULE II DRUGS

Manufacture or distribution – Class B Felony (up to 10 years imprisonment and fine up to \$250,000 or up to twice the value of any resulting gain of property or money).

Unlawful Possession – Class C Felony (up to 5 years imprisonment and fine up to \$125,000 or up to twice the value of any resulting gain of property or money)

SCHEDULE III DRUGS

Manufacture or distribution – Class C Felony (up to 5 years imprisonment and fine up to \$125,000 or up to twice the value of any resulting gain of property or money)

Unlawful Possession – Class A Misdemeanor (up to 1 year imprisonment and fine up to \$6,250 or up to twice the value of any resulting gain of property or money)

SCHEDULE IV DRUGS

Manufacture or distribution – Class B Misdemeanor (up to 6 months imprisonment and fine up to \$2,500 or up to twice the value of any resulting gain of property or money)

Unlawful Possession – Class C Misdemeanor (up to 30 days imprisonment and fine up to \$1,250 or up to twice the value of any resulting gain of property or money)

SCHEDULE V DRUGS

Manufacture or distribution – Class C Misdemeanor (up to 30 days imprisonment and fine up to \$1,250 or up to twice the value of any resulting gain of property or money)

Unlawful Possession – Violation (unspecified violations are Class B violations under ORS 153.015 punishable by fine of up to \$1,000)

It is unlawful for a person to manufacture or deliver a schedule 1, 2, or 3 controlled substance within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school attended by minors This is a Class A felony (up to 20 years imprisonment and fine up to \$375,000 or up to twice the value of any resulting gain of property or money).

In addition, the court may order the defendant to pay the cost of prosecution, and the defendant's vehicle used in the crime may be forfeited to the state. Finally, the defendant may forfeit any property used in the crime to the county in which the crime occurred.

Federal Sanctions

The federal system establishes sanctions for unlawful distribution, possession, manufacture, etcetera, of controlled substances, based on the schedule of the drug and the amount involved. The minimum and maximum statutory penalties are driven by the type and the quantity of the drug involved, but may be increased if the offense involved death or serious bodily injury, or if the offender has a prior conviction for a felony drug offense. The statutory sanctions are also subject to the "Sentencing Guidelines for US Courts." Imposition of the guidelines may lead to higher offense levels and, thus, more strict penalties than otherwise indicated. Attached is a chart describing the federal penalties and sanctions for illegal trafficking and possession of a controlled substance.

In addition to criminal sanctions, the consequences of unlawful or irresponsible alcohol or drug use may include, but are not limited to: 1) Restrictions on future employment opportunities. 2) The loss of Federal Financial Aid (Mandatory for Drug Offenses) 3) Potential risks for injury, including permanent disability 4) The risk of being a victim of a crime and / or committing additional crime(s) 5) The loss of driving privileges 6) Additional sanctions on your educational record and future educational opportunities.