

# State Offenses

Activities which violate Alabama laws concerning illicit possession, use, and distribution of alcoholic beverages or drugs include, but are not limited to, the following: (Those provisions which refer to drug “Schedules” are making reference to the authorization by the State Legislature for the State Board of Health to classify drugs in semesters of their potential for abuse and their current usage in medical treatment. Schedule I consists primarily of “street drugs” such as heroin, morphine, marijuana, LSD, mescaline, etc. Schedule II includes opium, cocaine, and methadone, among other illicit drugs. Schedule III drugs include those which have less potential for abuse than Schedule I or II, and those substances with the least potential for abuse are included in Schedules IV and V. The Schedules may be found in the Code of Alabama (1975), sec. 20-2-23, et seq.)

- Public intoxication is punishable by up to 30 days in jail. (Code of Alabama [1975], sec. 13A-11-10).
- Possession, consumption, or transportation of an alcoholic beverage by a person of less than 21 years of age is punishable by fine of \$25-\$100 or a 30-day jail term. (Code, sec. 28-1-5).
- Possession or distribution of an alcoholic beverage in a dry county is punishable by a fine of \$50-\$500 and, at the discretion of a judge, a jail sentence of up to six months. (Code, sec. 28-4-20, et seq).
- Possession of an alcoholic beverage illegally manufactured or illegally brought into the State of Alabama is punishable by a fine of \$100-\$1,000, plus, at the discretion of a judge, a jail sentence of up to six (6) months (Code, sec. 28-1-1).
- Driving or being in actual physical control of a vehicle while under the influence of alcohol or other drugs is punishable, upon first conviction, by a fine of \$250-\$1,000 and/or one year in jail plus suspension of drivers’ license for 90 days. (Code, sec. 32-5A-191).
- Possession of marijuana for personal use is punishable by a fine of up to \$2,000 and/or a jail sentence of up to one year (Code, sec. 13A-12-214).
- Possession of marijuana for other than personal use is punishable by a fine of up to \$5,000 and a prison sentence of not more than ten years (Code, sec. 13A-12-213).
- The selling, furnishing, or giving away, manufacturing, delivery, or distribution of a controlled substance listed in Schedules I-V of the Alabama Controlled Substance Act is punishable by a fine of up to \$10,000 and/or a prison term of not less than two years and not more than 20 years (Code, sec. 13A-12-211).
- The selling, furnishing or giving by a person 18 years or older to a person under 18 years of age any controlled substance listed in Schedules I-V of the Alabama Controlled Substance Act is punishable by a fine of up to \$20,000 and/or a prison term of not less than ten years and up to life (Code, sec. 13A-12-215).
- Possession of a controlled substance enumerated in Schedule I through V is punishable by a fine of not more than \$5,000 and/or prison term of not more than ten years (Code, sec. 13A-12-212).
- Conviction for an unlawful sale of a controlled substance within a three-mile radius of an educational institution brings with it an additional penalty of five years of imprisonment with no provision for parole (Code, sec. 13A-12-250).
- The use, or possession with intent to use, of drug paraphernalia is punishable by up to one year in jail and/or a fine of up to \$2,000 (Code, sec. 13A-12-260).
- The sale or delivery of, or possession with the intent to sell or deliver, drug paraphernalia is punishable by not more than one year in prison and/or a fine of up to \$1,000. If the delivery or sale is to a person under 18 years of age, it is punishable by up to 20 years in prison and/or a fine of up to \$10,000 (Code, sec. 13A-12-260). Penalties for subsequent violations of the above-described provisions are progressively more severe than the initial convictions.