

Drug and Alcohol Policy

In compliance with the requirements of the Drug Free Workplace Act of 1988 (PL 100-690) and the Higher Education Amendments of 1998 (PL 105-244), Albany Law School herein republishes its policies and programs implemented to prevent the use of illicit drugs and the abuse of alcohol by students and employees:

Albany Law School Drug and Alcohol Policy

The unlawful manufacture, possession, use, dispensation, or distribution of drugs and alcohol by students and employees is prohibited on Albany Law School property or while engaged in Albany Law School sponsored activities or employment.

Violations of Policy

Disciplinary Action

Students and employees in violation of drug and alcohol policies governed by Albany Law School and local, State, and Federal laws will be subjected to disciplinary action (including dismissal) and applicable legal sanctions. In the event of an employee's alleged involvement in a criminal drug- or alcohol-related offense, his or her case may also be referred to appropriate law enforcement officials and the District Attorney's Office for investigation and prosecution.

An employee may be subject to disciplinary action up to and including termination for failure to comply with Albany Law School policies or established practices. Albany Law School, at its discretion, may require an employee to participate satisfactorily in a drug and/or alcohol abuse assistance or rehabilitation program approved for such purposes by a Federal State or local health, law enforcement, or designated agency.

Legal Sanctions

Albany Law School provides the following summary of New York State and Federal laws barring illicit drugs and governing the use of alcohol on campus, and while engaged in Albany Law School sponsored activities or employment:

As stated in Article 33, Sections 3300 and 3304 of the New York State Public Health Law, it shall be unlawful for any person to manufacture, sell, prescribe, distribute, dispense, administer, possess, have under his control, abandon, or transport a controlled substance (except as expressly allowed by the article). Articles 220 and 221 of the New York State Penal Law describe the sanctions for offenses involving controlled substances and marijuana. These articles set criminal penalties for possession or sale of drugs considered harmful or subject to abuse. The seriousness of the offense and penalty imposed upon conviction depend upon the individual drug and amount held or sold.

- Possession of a narcotic drug (e.g., Cocaine, Heroin, Opium), no matter how small is a misdemeanor; possession of 1/8 ounce or more is a felony with the exception of cocaine. Criminal possession of cocaine, including crack, is a Class D felony if in possession of 500 milligrams or more. Sale of any amount is a felony.
- Possession of an unprescribed depressant drug is a misdemeanor.
- Possession of 10 ounces or more of any depressant listed as a "Dangerous Depressant" (e.g., Barbiturates, Methaqualone) is a felony.
- Possession of 50 milligrams or more of phencyclidine (Angel Dust) is a felony.

New York State Penal Law defines a misdemeanor as a crime punishable by imprisonment for more than 15 days but not more than one year. A felony is a crime punishable by imprisonment for more than one year.

The Marijuana Reform Act of 1977 has classified possession of lesser amounts of marijuana up to 25 grams (25-30 cigarettes) as a violation; penalties range from a \$100 to \$250 fine and/or up to 15 days in jail, depending on whether it is the first, second, or third offense.

- Possession of any amount in public view or of any amount of burning marijuana in a public place is a misdemeanor.
- Possession of more than 25 grams but not more than 8 ounces is a misdemeanor. Possession of 8 ounces or more is a felony. Sale of 25 grams or less is a misdemeanor; sale of more than 25 grams is a felony.
- Sale of any amount to a minor is a felony.
- The penalties for sale or possession of hashish are more severe. Possession of any amount, no matter how small, is a misdemeanor and possession of 1/4 ounce is a felony; sale of any amount of hashish, no matter how small, is a felony.

Also under New York State Law:

Alcohol Beverage Control Law § 65-C

Effective January 1, 1990 it is unlawful for anyone under 21 to possess alcohol with the intention to consume it. Penalties against persons found guilty include a fine of not more than \$50.00, and/or completion of an alcohol awareness program, and/or community service of up to thirty (30) hours.

Penal Law § 260.20

Persons over 21 who sell, give, or otherwise provide alcoholic beverages to anyone under 21 are guilty of a Class A misdemeanor punishable by a fine and up to one year in jail.

General Obligation Law § 11-100

A third party injured by an impaired or intoxicated person under age 21 has a right of

legal action against a person which "knowingly" caused such intoxication or impairment by unlawfully furnishing or assisting in procuring alcohol for the person under 21 years of age.

Vehicle & Traffic Law, Article 31

In New York State you are legally intoxicated when your Blood Alcohol Content (B.A.C.) reaches .08%. Your ability may be impaired when the B.A.C. is more than .05% but less than .08%. Sanctions for first violations of Driving While Intoxicated (DWI) and Driving While Ability Impaired (DWAI) are as follows:

	<u>Fine</u>	<u>Maximum Jail Time</u>	<u>Mandatory Action</u>
DWI*	\$500-\$1,000	1 year	6-month revocation of driver's license
DWAI	\$300-\$500	15 days	90-day suspension of driver's license

* Similar penalties apply to Driving While Drug-Impaired (DWDI).

Two or more DWI or DWDI violations in ten years constitute a felony. Vince's Law (2014) increases the penalty period for repeated DWI offences. The minimum fine for a felony DWI or DWDI is \$1000: the minimum action is a one-year revocation of your driver's license, and the maximum prison term is four years. A defendant may be required to install an ignition interlock device in his or her car.

Federal penalties and sanctions for illegal possession of a controlled substance include:

21 U.S.C. 844(a)

First conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$5,000, or both.

After one prior drug conviction: At least 15 days in prison, not to exceed two years and fined at least \$2,500 but not more than \$10,000, or both.

After two or more prior drug convictions: At least 90 days in prison, not to exceed three years and fined at least \$5,000 but not more than \$25,000, or both.

Special sentencing provisions for possession of any mixture or substance with a cocaine base (including crack cocaine): At least five years in prison, not to exceed 20 years and fined between \$1,000 and \$250,000, or both, if:

(a) the conviction is a first conviction and the amount of crack possessed exceeds 5 grams.

(b) the conviction is a second conviction and the amount of crack possessed exceeds 3 grams.

(c) the conviction is a third or subsequent conviction and the amount of crack possessed exceeds 1 gram. In addition, costs of investigation and prosecution may be imposed.

21 U.S.C. 881(a)(7)

Forfeiture of real property used, or intended to be 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, or intended to be used, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance.

21 U.S.C. 844a

Civil fine of 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.

21 U.S.C. 861(d)

Penalty for providing a controlled substance to an underage person: prison for up to five years, or fine of up to \$50,000, or both.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous:

Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Federal penalties for trafficking in controlled substances such as marijuana, hashish, and hashish oil include up to life imprisonment and millions of dollars in fines.