Legal Sanctions:

A description of the applicable legal sanctions under federal, state, or local law for the unlawful possession or distribution of illicit drugs and alcohol;

Source: College of Charleston Student Handbook A Guide to Civil and Honorable Conduct
Appendix F: Information on State and Federal Alcohol and Drug Laws
http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php

SOUTH CAROLINA ALCOHOLIC BEVERAGE LAWS

NOTE: Likely actual fines (including court costs and administrative fees) are provided. The information provided below is produced by the Department of Alcohol and Other Drug Abuse Services online at:
http://www.daodas.state.sc.us/

Purchasing or possessing beer or wine if you are under the age of 21 (In instances where beer or wine is discovered in the presence of minors [e.g., at a party], but no one is holding the beverages and no one claims ownership, law enforcement in some jurisdictions have charged all those present with "constructive possession," carrying the same penalties as for actual purchase or possession.) A fine of $265 to $470 and/or imprisonment for up to 30 days for the first offense. Mandatory completion of alcohol prevention intervention/education program. *S.C. Code Ann. Sections 63-19-2440*
Lying or providing false information about your age to purchase beer, wine, or liquor
A fine of $262.50 to $470 and/or imprisonment for up to 30 days. Lose your driver's license for 120 days for a first offense and one year for a second or subsequent offense.
S.C. Code Ann. Sections 61-4-60, 20-7-8925, 56-1-746

Lending a driver's license or personal identification card to any other person
A fine of $237.50 to $470 or imprisonment for up to 30 days
A fine up to $1,090 or imprisonment for up to six months
S.C. Code Ann. Sections 56-1-510(2), 56-1-746
Providing false information on an application to obtain a driver's license or personal identification card
A fine of up to $237.50 to $500 or imprisonment for up to 30 days
A fine of up to $500 *[$1,090]* or imprisonment for up to six months
S.C. Code Ann. Sections 56-1-510(5), 56-1-746
Altering a driver's license
A fine of up to $2,500 *[$5,250]* or imprisonment for up to six months – or both
S.C. Code Ann. Sections 56-1-515(1), 56-1-746
Selling or issuing a false driver's license
A fine of up to $5,250 or imprisonment for up to six months – or both
S.C. Code Ann. Sections 56-1-515(1), 56-1-746
Using someone else's driver's license or personal identification card

A fine of up to $100 or imprisonment for up to 30 days
S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746
Using an altered driver's license or identification card containing false information
A fine of up to $100 or imprisonment for up to 30 days
S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746
Possessing an altered or invalid driver's license or personal identification card A fine up to $470 or imprisonment for up to 30 days for the first offense, and a fine of up to $1,090 or imprisonment for up to six months for a second or subsequent offense
S.C. Code Ann. Sections 56-1-510(1), 56-1-746
In addition to the penalties outlined, individuals convicted of the following offenses will also have their driver's licenses suspended for 120 days for a first offense and one year for a second or subsequent offense:

- Possessing, consuming, purchasing or attempting to purchase beer, wine, or liquor under the age of 21
- Lying or providing false information about your age to purchase beer, wine, or liquor
- Lending a driver's license or personal identification card to any other person
- Providing false information on an application to obtain a driver's license or personal identification card
- Altering a driver's license • Selling or issuing a false driver's license
- Using someone else's driver's license or personal identification card
- Using an altered driver's license or identification card containing false information.

Violating any alcohol-related laws if you are a student
Additional penalties (besides those cited previously) include:

- ineligibility for state-funded grants and/or scholarships (e.g., the LIFE Scholarship) for one year upon second conviction; and
- ineligibility for the refundable state individual income tax credit.

S.C. Code Ann. Sections 59-149-90, 59-149-20, 59-113-20, 59-142-10, 12-6-3385

Providing Alcohol to Underage Youth and Allowing Underage Drinking
Giving beer, wine, or liquor to anyone who is under the age of 21, including serving anyone in your home except your child or spouse
A fine of $470 to $677.50 and/or imprisonment for up to 30 days for the first offense.
A fine of $885 to $1,092 and/or imprisonment for up to 30 days for a second or subsequent offense.
S.C. Code Ann. Sections 61-4-90, 61-6-4070

Selling beer, wine, or liquor to anyone under the age of 21
A fine of $200 to $300 and/or imprisonment for up to 30 days for the first offense
A fine of $400 to $500 and/or imprisonment for up to 30 days for a second or subsequent offense. Mandatory completion of an approved merchant education program.
S.C. Code Ann. Sections 61-6-4080, 61-4-50

Purchasing beer, wine, or liquor for someone who cannot lawfully buy these beverages
A fine up to $677.50 and/or imprisonment for up to 30 days for the first offense
A fine up to $1,090 and/or imprisonment for up to 30 days for a second or subsequent offense S.C. Code Ann. Sections 61-4-80, 61-6-4075

Allowing underage drinking to occur in a hotel/motel room you have rented
A fine of up to $500 or imprisonment for up to 30 days S.C. Code Ann. Section 45-2-40 (C)

OFFENSES RELATED TO ALCOHOL USE AMONG THE GENERAL POPULATION

NOTE: Likely actual fines (including court costs and administrative fees).

OPEN CONTAINERS

Having an open container of beer or wine in a moving vehicle of any kind, except in the trunk or luggage compartment
A fine of up to $260.50 or imprisonment for up to 30 days S.C. Code Ann. Section 61-4-110

Having an open container of liquor anywhere that is not allowed by state law. (Examples of approved locations include private residences, hotel/motel rooms, licensed establishments, etc.)
A fine of up to $262.50 or imprisonment for up to 30 days
S.C. Code Ann. Sections 61-6-2600, 61-6-4020, 61-6-4710

UNDERAGE YOUTH AND DUI

Suspension or denial of issuance of driver's license for six months or one year if you have been convicted of driving under the influence (DUI) or driving with a BAC of .02% or higher while under the age of 21, within the five years preceding the violation mandatory enrollment and completion of an Alcohol and Drug Safety Action Program (ADSAP) if license is suspended S.C. Code Ann. Section 56-1-286

Driving a motor vehicle with a BAC of .02% or higher if you are under the age of 21
Suspension of driver's license for three months. Suspension of driver's license for six months if you have had a DUI conviction within the past five years. Mandatory enrollment and completion of an ADSAP if license is suspended.
S.C. Code Ann. Section 56-1-286

Operating a motor vehicle while under the influence of alcohol. If you have a BAC of .08% or higher, it will be inferred that you were driving while under the influence of alcohol. A BAC that is at least .05% but less than .10% may be considered with other evidence to determine guilt or innocence.
A fine of up to $400 and/or imprisonment from 48 hours to 30 days *and* suspension of driver's license for six months for a first offense. A fine of $2,000 to $5,000 and imprisonment not less than 5 days to one year *and* suspension of driver's license for one year for a second offense. A fine of $3,800 to $6,300 and imprisonment from 60 days to three years, *and* suspension of driver's license for two years for a third offense. Imprisonment from one to five years and permanent revocation of driver's license for a fourth or subsequent offense. If the third offense occurs within five years of the first offense, the driver's license is suspended for four years. If the third or subsequent offense occurs within 10 years of the first offense, the vehicle used must be confiscated if the offender is the owner or a resident of the household of the owner. Mandatory enrollment and completion of an ADSAP if license is suspended. A third or subsequent offense is considered a felony offense. The name and address of any person whose license is suspended shall be released to the public.
S.C. Code Ann. Sections 56-5-2930, 56-5-2990, 56-5-2940, 56-5-3000, 56-5-6240, 56-5-2933

Driving a motor vehicle with a BAC of .15% or higher
Mandatory suspension of driver's license for 30 days. Suspension of driver's license for 60 days if you have had a prior DUI conviction within the past 10 years S.C. Code Ann. Sections 56-5-2950, 56-5-2951

Refusing to submit to testing to determine your blood alcohol concentration (BAC) level if you are under the age of 21 Suspension of driver's license for six months to one year. Suspension of driver's license for one year if you have had a prior DUI conviction within the past 5 years. S.C. Code Ann. Section 56-1-286 (F)

Driving a vehicle while under the influence of alcohol or other drugs and causing great bodily injury to any other person

Mandatory fine of $5,100 to $10,100 and imprisonment for 30 days to 15 years. This crime is considered a felony offense. S.C. Code Ann. Section 56-5-2945

Driving a vehicle while under the influence of alcohol or other drugs and causing death to any other person

Mandatory fine of $10,100 to $25,100 and imprisonment for one to 25 years. This crime is considered a felony offense.

S.C. Code Ann. Section 56-5-2945

Commission of a felony DUI offense

Additional penalties (besides fines and imprisonment as identified above) include:

• ineligibility to vote until sentence is served (including probation and parole);
• possible denial of entry to the armed forces or restriction in regard to certain jobs within the armed forces;
• ineligibility to work for a federal law enforcement agency;
• possible denial of employment by federal or state agencies; and
• ineligibility to file to run for any office in the state or its political subdivisions until 15 years or more after the completion of sentence (including probation and parole).

S.C. Code Ann. Sections 7-5-170, 7-5-120, AETC 36-2002, AR-601-210 S.C. Const. Art. VI, §1, Art. III, §7

NOTE:

• All convictions are placed on a permanent criminal record. All alcohol offenses are misdemeanors except a felony DUI conviction.
• For underage drinking laws, alcohol offenses can be "stacked." In other words, a person charged and convicted of three separate offenses can receive all three fines or jail terms, not just the largest of the three.
• Persons convicted of first offense DUI:
○ Are required to show proof of financial responsibility to the Department of Highways and Public Transportation, usually in the form of a guarantee of high-risk insurance coverage, for three years.
○ Are required to complete an Alcohol and Drug Safety Action Program (ADSAP) before becoming eligible to apply to the Department of Highways and Public Transportation for driver's license reinstatement.
○ May be eligible for a provisional driver's license upon meeting requirements

*All accidents resulting in injury or death of a person under age 21 as a result of DUI are investigated.

PUBLIC DRINKING

Being grossly intoxicated on any highway or at any public place or public gathering

A fine of up to $100 or imprisonment for up to 30 days S.C. Code Ann. Section 16-17-530 **Consuming alcoholic liquor in a public conveyance**
A fine of up to $100 or imprisonment for up to 30 days S.C. Code Ann. Section 61-6-4720

SELLING OR POSSESSING KEGS
Selling a keg of beer without the proper tag or forms A fine of up to $675 for the first offense and a fine of up to $1,090 for a second or subsequent offense. S.C. Code Ann. Section 61-4-1920
Possessing a keg of beer that does not have the proper tag
A fine of up to $1,090 and/or imprisonment for up to 30 days S.C. Code Ann. Section 61-4-1930
Removing, altering, or obliterating the tag on a keg of beer
A fine of up to $1,090 and/or imprisonment for up to 30 days S.C. Code Ann. Section 61-4-1940

BE AWARE THAT STATE ALCOHOL LAWS ARE SUBJECT TO CHANGE

INFORMATION ON SOUTH CAROLINA DRUG LAWS The following is a partial list of South Carolina's drug laws. For more information and a complete list of laws relating to offenses, please see Chapter 53, Title 44 of the South Carolina Code of Laws, as amended.

MARIJUANA—HASHISH
Possession of 1 ounce or less of marijuana, or 10 grams or less of hashish
• First offense: Not more than 30 days of imprisonment and/or a fine of not less than $100 nor more than $200; $570 with court fees.
• Second or subsequent offense: Not more than one year and/or $200 to $1,000 (Section 44-53-370{d}{3})

Manufacture, distribution, or possession with the intent to distribute
• First offense: Not more than five years and/or not more than $5,000
• Second offense: Not more than 10 years and/or not more than $10,000
• Third or subsequent offense: Not less than five years nor more than 20 years and/or not more than $20,000

(Section 44-53-370{b}{2})

Trafficking (10 lbs. to 100 lbs. of marijuana)
• First offense: Not less than one year nor more than 10 years and $10,000
• Second offense: Not less than five years nor more than 20 years and $15,000
• Third or subsequent offense: 25 years and $25,000

(Section 44-53-370{e}{1}{a})

Trafficking (100 lbs. to 2,000 lbs. of marijuana, or 100 to 1,000 marijuana plants regardless of weight)
• 25 years and $25,000 (Section 44-53-370{e}{1}{b})

Trafficking (2,000 lbs. to 10,000 lbs. or more of marijuana, or 10,000 or more marijuana plants regardless of weight)
• Not less than 25 years and $50,000 (Section 44-53-370{e}{1}{c})

LSD, COCAINE AND HERION

LSD Possession

- First offense: Not more than three years and/or not more than $5,000
- Second offense: Not more than ten years nor more than $7,500
- Third or subsequent offense: Not more than ten years and/or not more than $12, 500

(Section 44-53-375{d}{1})

Cocaine Possession (less than one gram)

- First offense: Not more than three years and/or not more than $5,000
- Second offense: Not more than ten years nor more than $7,500
- Third or subsequent offense: Not more than ten years and/or not more than $12, 500

(Section 44-53-375{d}{3})

Manufacture, distribution, or possession with the intent to distribute cocaine (10 grains < 10 grams).

- First offense: Not more than 15 years and/or not more than $25,000
- Second offense: Not less than five years nor more than 30 years and/or not more than $50,000

(Section 44-53-370 {d}{4}) **Trafficking cocaine (10 grams to 28 grams).**

- First offense: Not less than three years nor more than 10 years and $25,000
- Second offense: Not less than five years nor more than 30 years and $50,000

(Section 44-53-370{e}{2}{A})

Manufacture, distribution, or possession with the intent to distribute heroin, opium, or morphine (2 grains < 4 grains).

- First offense: Not less than 15 years and $25,000
- Second or subsequent offense: 5-30 years and $50,000

(Section 44-53-370{e}{3}{a})

ANABOLIC STEROIDS

Possession of 10 or fewer dosage units without a valid prescription

- First offense: Not more than six months and/or not more than $1,000
- Second or subsequent offense: Not more than one year and/or not more than $2,000

(Section 44-53-1530{2})

Possession of 10 to 100 dosage units without a valid prescription

- First offense: Not more than one year and/or not more than $2,000
- Second or subsequent offense: Not more than two years and/or not more than $3,000

(Section 44-53-1530{3})

Possession of more than 100 dosage units without a valid prescription

- First offense: Not more than five years and/or not more than $5,000
- Second or subsequent offense: Not more than 10 years and/or not more than $10,000

(Section 44-53-1530{4})

SUSPENSION OF DRIVER'S LICENSE

In addition to the above, the driver's license of any person convicted of a controlled substance violation involving hashish or marijuana must be suspended for a period of six months. The driver's license of any

person convicted of any other controlled substance violation must be suspended for a period of one year. (Section 56-1-286{a})

Possessing PRESCRIPTION DRUGS without a valid prescription is illegal. For example, Adderall and Ritalin are prescription stimulants often prescribed for Attention Deficit Hyperactivity Disorder (ADHD). Both of these drugs are classified as Schedule II controlled substances, as are cocaine and heroin. Unlawful distribution of Adderall or Ritalin, which means either the sale or simply giving the drug to another person, is a felony carrying up to five years in prison. Additionally, if the offense occurs on or within a half-mile of the college campus, an additional crime of distribution in proximity to a school as been committed, which is a felony carrying a 10-year sentence. A person who has in their possession one of these drugs, without a valid prescription, is guilty of a misdemeanor carrying a penalty of up to two years in prison.

MISCELLANEOUS STATE LAWS

Distribution of controlled substance within proximity of a school. (Distance from school, public park, or playground, or college or university is a radius of one-half mile.) Fine is not more than $10,000 and imprisonment to be less than 10 years. For crack cocaine, the fine is between $10,000 and 15,000 and prison between 10 and 15 years. For purchase, the fine will not exceed $1,000 and not exceed one year of prison. Any violation of this section is considered a separate offense. (Section 44-53-445)

Illegal acts involving persons under 17-years-old. Any use of persons under the age of 17 by persons over the age of 17 in the violation of Section 44-53-370 and 375, or the receipt of controlled substance from a person under 17 is considered a felony with punishment between 5 and 15 years. Any violation of this section is considered a separate offense. (Section 44-53-577)

Illegal acts involving persons under 17 years old and controlled substances. It is unlawful for any person at least 17 years old to knowingly use, hire, coerce, or employ a person under 17 years old to violate a controlled substance law. Violation of this section is a separate offense and punishment is imprisonment for not less than five years up to 15 years. (Section 44-53-577)

Unlawful to advertise for sale, manufacture, possess, sell, or deliver, or to possess with intent to sell or deliver drug paraphernalia. Any person convicted can be fined no more than $500; a corporation can be fined up to $50,000. (Section 44-53-391)

Distribution of controlled substances to persons under 18-years- old. Distribution of a narcotic drug, LSD, and crack cocaine is guilty of a felony and upon conviction must be imprisoned not more than 20 years or fined not more than $30,000, or both, and the sentence may not be suspended and probation may not be granted. Distribution of any other controlled substance to a person under 18 is guilty of a misdemeanor, and upon conviction must be imprisoned not more than 10 years or fined not more than $10,000 or both. (Section 44-53-440)

BE AWARE THAT STATE DRUG LAWS ARE SUBJECT TO CHANGE.

INFORMATION ON FEDERAL DRUG LAWS

The following is a partial list of federal drug laws and penalties. Penalties are set by sentencing guidelines in Federal Court. For more information and a complete list of the laws relating to drug offenses, please see Title 21 of the U.S. Code of Laws, as amended.

Possession of a controlled substance without a valid prescription

- First offense: Not more than one year and/or less than $1,000
- Second offense: Not less than 15 days nor more than two years and not less than $2,500
- Third or subsequent offense: Not less than 90 days nor more than three years and not less than $5,000

(Statute - 21 U.S.C.A. Section 844{a})

Possession of a mixture or substance which contains cocaine base

- First offense: If the amount exceeds 5 grams, not less than five years nor more than 20 years and/or a fine of $1,000
- Second offense: If the amount exceeds 3 grams, not less than five years nor more than 20 years and/or a fine of $1,000
- Third offense: If the amount exceeds 1 gram, not less than five years nor more than 20 years and/or a fine of $1,000 (Statute - 21 U.S.C.A. Section 844{a})

Distribution of controlled substances to persons under the age of 21

- First offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed twice that authorized by 21 U.S.C.A. Section 841 (b)
- Second offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed three times that authorized by 21 U.S.C.A. Section 841 (b) Statute 21 U.S.C.A. Section 859
- Third offense: Life imprisonment

(Statute - 21 U.S.C.A. Section 841{b}{1}{A})

Manufacture, distribution, or possession with intent to manufacture or distribute controlled substances in or on, or **within 1,000 feet of the real property compromising a public or private elementary, vocational, secondary school, college, junior college, or university**, or a playground, or within 100 feet of a public or private youth center, public swimming pool, or video arcade

- First offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed that authorized by 21 U.S.C.A. Section 841 (b)
- Second offense: Not less than three years nor more than life (or three times that authorized by an offense, whichever is greater) and/or a fine not to exceed three times that authorized by 21 U.S.C.A. Section 841 (b)
- Third offense: Life imprisonment (Statutes - 21 U.S.C.A. Section 860; and 21 U.S.C.A. Section 841 {b}{1}{a}

Manufacture, distribution, or possession with intent to manufacture or distribute:

a) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin; or

b) 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine; or

c) 50 grams or more of a mixture or substance which contains cocaine base; or

d) 100 grams or more of PCP or 1 kilogram or more or a mixture or substance containing a detectable amount of PCP; or

e) 10 grams or more of a mixture or substance containing a detectable amount of LSD; or

f) 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, or 1,000 or more marijuana plants regardless of weight; or

g) 100 grams or more of methamphetamine, or 1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine.

• First offense: Not less than 10 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for not less than 20 years nor more 47 than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or $4,000,000 • Second offense: Not less than 20 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or $8,000,000

• Third offense: Life imprisonment

(Statute - 21 U.S.C.A. Section 841{b}{1}{A}

Manufacture, distribution, or possession with the intent to manufacture or distribute:

a) 100 grams or more of a mixture or substance containing a detectable amount of heroin; or

b) 500 grams or more of a mixture or substance containing a detectable amount of cocaine; or

c) 5 grams or more of a mixture or substance which contains cocaine; or

d) 10 grams or more of PCP or 100 grams or more of a mixture or substance containing a detectable amount of PCP; or

e) 1 gram or more of a mixture or substance containing a detectable amount of LSD; or

f) 100 kilograms or more of a mixture or substance containing a detectable amount or marijuana, or 100 or more marijuana plants regardless of weight; or

g) 100 grams or more of methamphetamine, or 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine

• First offense: Not less than five years nor more than 40 years (if death of serious bodily injury results from the use of such substance, imprisonment shall be for not less than 20 years or more than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or $2,000,000

• Second or subsequent offenses: Not less than 10 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or $4,000,000

(Statute - 21 U.S.C.A.Section 841 {b}{1}{B})

Manufacture, distribution, or possession with intent to manufacture or distribute:

a) 50 kilograms or less of marijuana (except in the case of 50 or more marijuana plants regardless of weight); or

b) 10 kilograms or less of hashish, or 1 kilogram or less of hashish

• First offense: Not more than five years and/or a fine not to exceed the greater of that authorized by Title 18 or $250,000

• Second or subsequent offenses: Not more than 10 years and/or a fine not to exceed the greater of twice that authorized by Title 18 or $500,000

(Statute - 21 U.S.C.A. Section 841 {b}{1}{D})

Manufacture, distribution, or possession with the intent to manufacture or distribute any controlled substance listed in Schedule I or II (e.g., LSD, heroin, opium, morphine) of 21 U.S.C.A. Section 812 (except as provided elsewhere):

• First offense: Not more than 20 years (if death or serious bodily injury results from the use of such substance, imprisonment shall be for not less than 20 years nor more than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or $1,000

• Second or subsequent offenses: Not more than 30 years (if death or serious bodily injury results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or $2,000,000
(Statute - U.S.C.A.Section 841{b}{1}{C})

Manufacture, distribution, or possession with intent to manufacture or distribute any controlled substance listed in Schedule IV of 21 U.S.C.A. Section 812:
• First offense: Not more than three years and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or $250,000
• Second or subsequent offenses: Not more than six years and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or $500,000
(Statute - 21 U.S.C.A. Section 841{b}{2})

Manufacture, distribution, or possession with intent to manufacture or distribute a controlled substance listed in Schedule V of 21 U.S.C.A. Section 812:
• First offense: Not more than one year and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or $100,000
• Second or subsequent offenses: Not more than two years and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code of $200,000 (Statute - 21 U.S.C.A. Section 841{b}{3})

BE AWARE THAT DRUG LAWS ARE SUBJECT TO CHANGE.