

Frequently Asked Questions

Question: How do I know what the penalties are for possession or distribution of a particular illegal drug?

Answer: Even lawyers oftentimes have to look up the potential penalty for a particular type of drug. And for each drug, the penalties differ depending on whether the suspect is charged with possession or distribution or possession with intent to distribute or manufacturing. And once you know what drug you're looking for, and whether the suspect is charged with possession or distribution, it can still take quite some time to muddle through the lengthy provision of Title 40 of Louisiana's criminal code to find what you're looking for.

The following chart has been created as a helpful guide for determining the penalties for common street drugs which are possessed and distributed illegally:

COMMON DRUGS AND PENALTIES

MARIJUANA 40:966

1 st Possession:	6 months parish jail and \$500 fine
2 nd Possession:	Up to 5 years with or without hard labor and up to \$2,000 fine
3 rd Possession:	Up to 20 years with or without hard labor
Possession over 60 pounds But less than 2,000 pounds	5 to 30 years hard labor, fine of no less than \$50,000 nor more than \$100,000 (5 without benefit)
Possession of 2,000 pounds But less than 10,000 pounds	10 to 40 years hard labor, fine of less than \$100,000 nor more than \$400,000 (10 without benefit)
Possession over 10,000 pounds	25 to 40 years hard labor, fine of not less than \$400,000 nor more than one million dollars (25 without benefit)
Distribution, cultivation or possession with intent to distribute	5 to 30 years hard labor, fine up to \$50,000

COCAINE 40:967

Possession of cocaine:	Up to 5 years, with or without hard Labor and a fine up to \$5,000
Possession of 28 grams to 200 grams	5 to 30 years hard labor and a fine not less than \$50,000 up to \$150,000 (5 without benefit)
Possession of 200 grams to 400 grams	10 to 30 years hard labor and a fine not less than \$100,000 up to \$300,000 (10 without benefits)
Possession of over 400 grams	15 to 30 years hard labor and a fine not less than \$250,000 up to \$600,000 (15 without benefits)
Distribution of cocaine or possession with intent to distribute	2 to 30 years hard labor, with the <u>first 2 years without</u> benefits and fine up to \$500,000
Manufacture	10 to 30 years hard labor, fine up to \$500,000 (10 without benefit)

COUNTERFEIT DRUGS 40:971.1 Up to 5 years, with or without hard labor and fine up to \$5,000

FORGED SCRIPTS 40:971 Up to 5 years, with or without hard labor and fine up to \$5,000

SECOND OR SUBSEQUENT OFFENSES 40:982

Enhanced penalty for any offenses under this part (includes everything except drug paraphernalia, marijuana, and monies derived from drug transactions) Twice the time and twice the fine

DRUG FREE ZONE 40:981.3

Possession or distribution within 1,000 feet Not less than 1/2 up to the maximum term with the minimum mandatory term to be without benefits

ATTEMPT AND CONSPIRACY

40:979

1/2 the time and 1/2 the fine

MISCELLANEOUS DRUGS

VALIUM (DIAZEPAM): Schedule IV 40:969

Possession of valium	Up to 5 years, with or without hard labor and fine up to \$5,000
Distribution or possession with Intent to distribute valium	Up to 10 years hard labor and fine up to \$15,000

ECSTACY (MDMA): Schedule I 40:966

Possession of MDMA (ecstasy)	Up to 10 years hard labor and fine up to \$5,000
Distribution or possession with intent to distribute MDMA	Imprisonment at hard labor for not less than 5 years up to 30 years and fine up to \$50,000 (5 without benefit)

XANAX (Alprazolam): Schedule IV 40:969

Possession of alprazolam (Xanax)	Up to 5 years, with or without hard labor and fine up to \$5,000
Distribution or possession with intent to distribute alprazolam (Xanax)	Up to 10 years hard labor and fine up to \$15,000

METHAMPHETAMINE: (Speed): Schedule II 40:967 **(Amphetamine)**

Possession of methamphetamine (Speed)	Up to 5 years, with or without hard labor and fine up to \$5,000
Distribution or possession with intent to distribute Methamphetamine (Speed)	Imprisonment at hard labor for not less than 2 nor more than 30 years and fine up to \$50,000
Possession over 28 grams but Less than 200 grams of Methamphetamine (Speed)	Not less than 5 years up to 30 years and fine of not less than \$50,000 up to \$150,000 (5 without benefits)

Possession over 200 grams but Less than 400 grams of Methamphetamine (Speed) Not less than 10 years up to 30 years and fine of not less than \$100,000 up to \$350,000 (10 without benefits)

Possession over 400 grams of Methamphetamine (Speed) Not less than 15 years up to 30 years and a fine not less than \$250,000 up to \$600,000 (15 without benefits)

Manufacturing or production of Methamphetamine Not less than 10 years up to 30 years (10 without benefits) and a fine up to \$500,000

PERCODAN (Oxycodone): Schedule II 40:967

Possession of percodan (oxycodone) Up to 5 years, with or without hard labor and fine up to \$5,000

Distribution or possession with intent to distribute percodan Imprisonment at hard labor for not less than 5 nor more than 30 years and fine up to \$50,000

LORTAB (Dihydrocodeinone): Schedule III 40:968

Possession of Lortab Up to 5 years, with or without hard labor and a fine up to \$5,000 or both

Distribution or possession with intent to distribute Lortab Up to 10 years hard labor and a fine up to \$15,000, or both

TESTOSTERONE (Steroids): Schedule III 40:968

Possession of Testosterone Up to 5 years, with or without hard labor, and a fine up to \$5,000, or both

Distribution or possession with intent to distribute testosterone Up to 10 years hard labor and a fine up to \$15,000, or both

CODEINE: Schedule II 40:967

Possession of Codeine Up to 5 years, with or without hard Labor, and a fine up to \$5,000, or both

Distribution or possession with intent to distribute codeine 5 to 30 years, hard labor, and a fine up to \$50,000

KETAMINE (Special K): Schedule III 40:968

Possession of ketamine	Up to 5 years, with or without hard labor and a fine up to \$5,000, or both
Distribution or possession with intent to distribute ketamine	Up to 10 years hard labor and a fine up to \$15,000, or both

PHENCYCLIDINE (PCP): Schedule I 40:966

Possession of phencyclidine	Not less than 5 up to 20 years, with or without hard labor and a fine up to \$5,000, or both
Distribution or possession with intent to distribute phencyclidine	Not less than 5 up to 30 years, at hard labor, and a fine up to \$50,000, or both (5 without benefits)

PSILOCYBIN (Mushrooms): Schedule I 40:966

Possession of psilocybin	Up to 10 years hard labor and a fine up to \$50,000, or both
Distribution or possession with intent to distribute psilocybin	5 to 30 years hard labor and fine up to \$50,000, or both (5 without benefits)

HEROIN: Schedule I 40:966

Possession of Heroin	Not less than 4 nor more than 10 years, and a fine up to \$5,000, or both
Distribution or possession with intent to distribute heroin	Not less than 5 up to 50 years hard labor and a fine up to \$50,000, or both (at least 5 without benefits)
Possession over 28 grams but less than 200 grams	5 to 30 years hard labor and a fine not less than \$50,000 up to \$150,000 (5 without benefits)
Possession over 200 grams but less than 400 grams	10 to 30 years and a fine not less than \$100,000 up to \$350,000 (10 without benefits)
Possession over 400 grams and over	15 to 30 years and a fine of not less than \$250,000 up to \$600,000 (15 without benefits)

DARVOCET (DEXTROPROPOXYPHENE) Schedule IV 40:969

Possession of Darvocet Up to 5 years, with or without hard labor and fine up to \$5,000

Distribution or possession with intent to distribute Darvocet Up to 10 years hard labor and a fine up to \$15,000

DEMEROL (PETHIDINE) Schedule IV 40:967

Possession of Demerol Up to 5 years, with or without hard labor and a fine up to \$5,000

Distribution or possession with intent to distribute Demerol 5 to 30 years at hard labor and a fine up to \$50,000

POSSESSION OF FIREARM (Or dangerous weapon) IN THE PRESENCE OF ILLEGAL DRUGS 14:95(E)

Not less than 5 years nor more than 10 years, without benefits

POSSESSION OF ILLEGAL DRUGS IN PRESENCE OF A MINOR (2 year age difference) 14:91.13

6 months and \$500.00

INTRODUCTION OF ILLEGAL DRUGS INTO A PENAL INSTITUTION 14:402 E(5)

Up to 5 years, with or without hard labor