



A Policy Research Partnership  
to Reduce Youth Substance Use



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# **States' Attempts to Affect the Juvenile Drug-Crime Relationship Through Law and Policy**

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## Establishment of state-level legislative database

- Currently there is no comprehensive database of state laws dealing with illicit drugs
- Legislation is a part of the environment surrounding youth substance abuse
- Statutory information serves as a lens through which to study state action and reaction to illicit drugs as well as behavioral outcomes
- First year's data reflect laws in effect on January 1, 1999

# Rationale for studying legislation

- The effects of illicit drug laws on youth are both direct and indirect
  - Direct effects include legislation establishing “drug-free” zones in schools and other locales
  - Indirect effects include the potential impact on drug availability and supply based on the severity of the laws and their enforcement

# Research questions

- **How do states differ in their scheduling of selected controlled substances?**
- **What are the differences in the penalties assigned selected drugs for:**
  - **Sale**
  - **Possession**
  - **Manufacturing**
  - **Use**

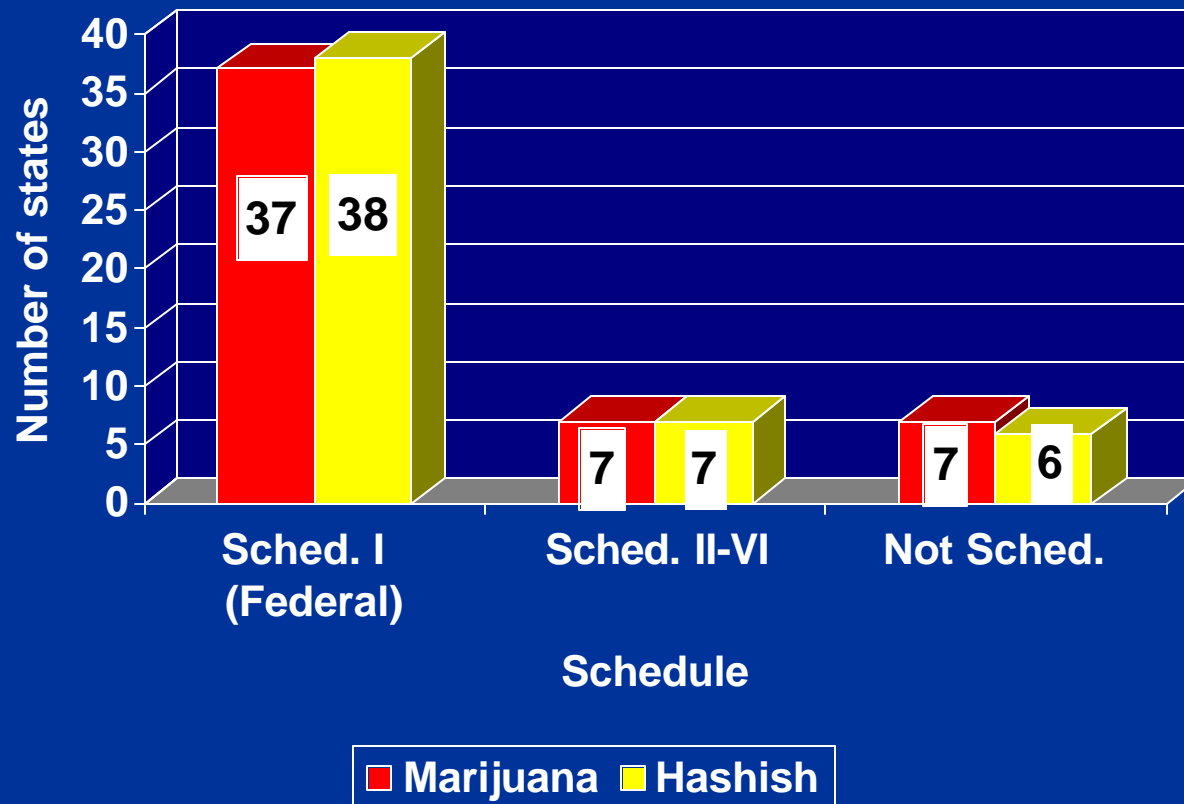
# Controlled substances tracked

- Well-known drugs of abuse
  - cocaine, crack, methamphetamine, marijuana and hashish
- Club drugs
  - MDMA (ecstasy), GHB and Rohypnol (Flunitrazepam)

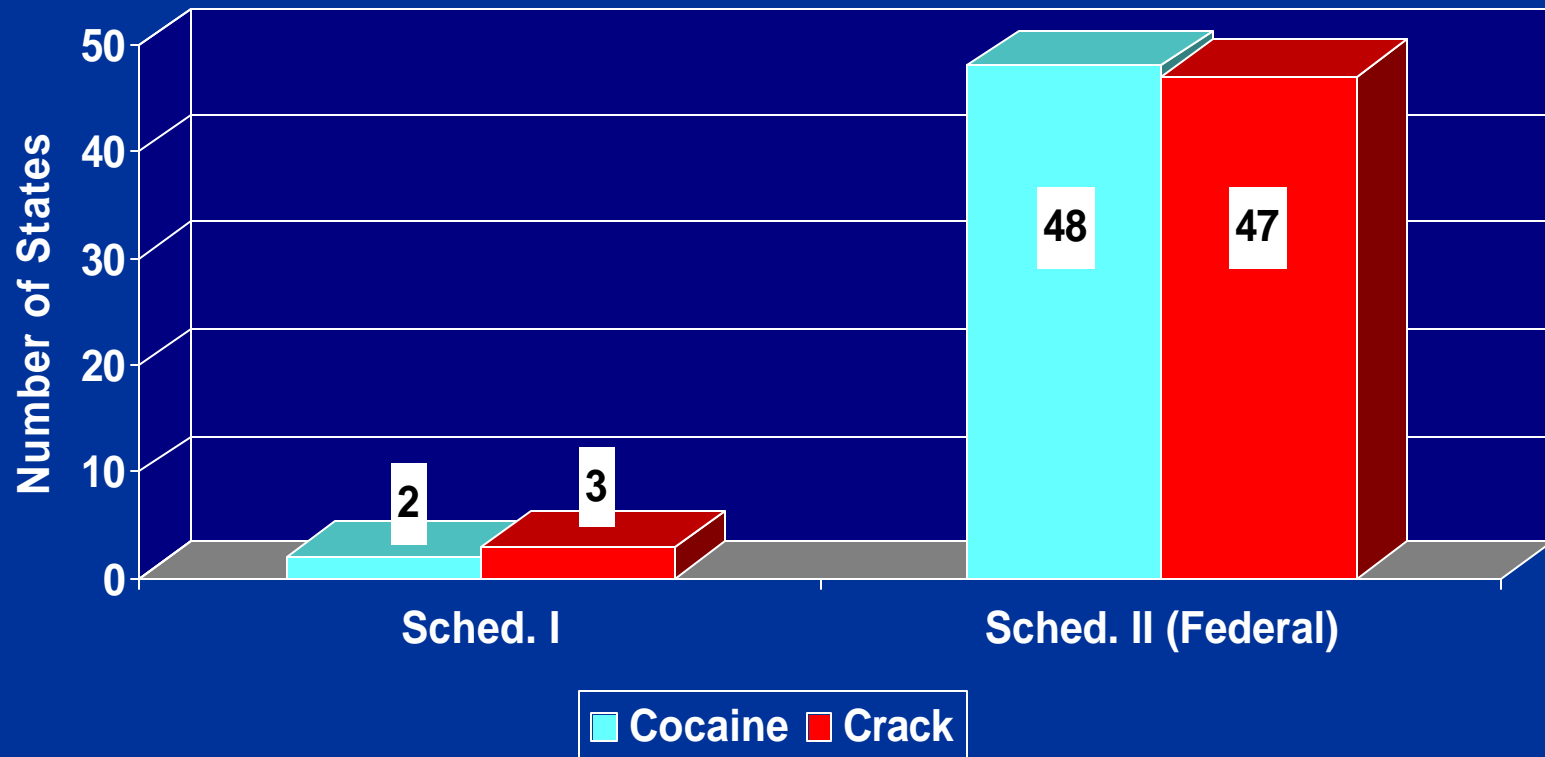
# Federal drug schedules

- The “standard” drug schedule for the drugs being tracked, as determined by the federal controlled substance schedules, is the following:
  - Schedule I: GHB, Marijuana/Hashish, MDMA
  - Schedule II: Cocaine/Crack, Methamphetamine
  - Schedule IV: Rohypnol

# Variation in state scheduling: marijuana and hashish



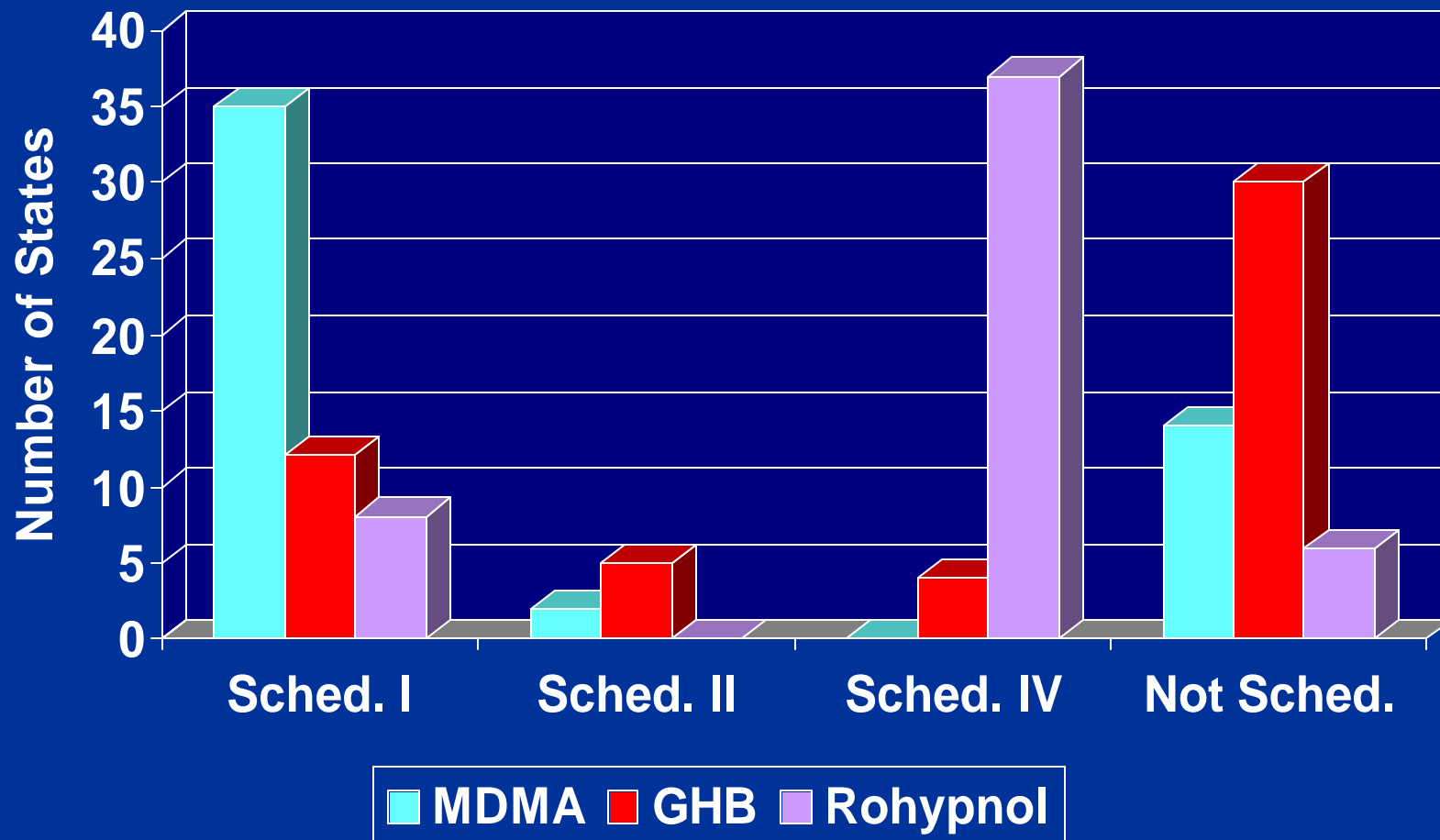
# Variation in state scheduling: cocaine/crack



Cocaine base (crack) is scheduled separately from cocaine in only one state (California).



# Variation in state scheduling: club drugs



## Penalties for sale, manufacturing, possession and use

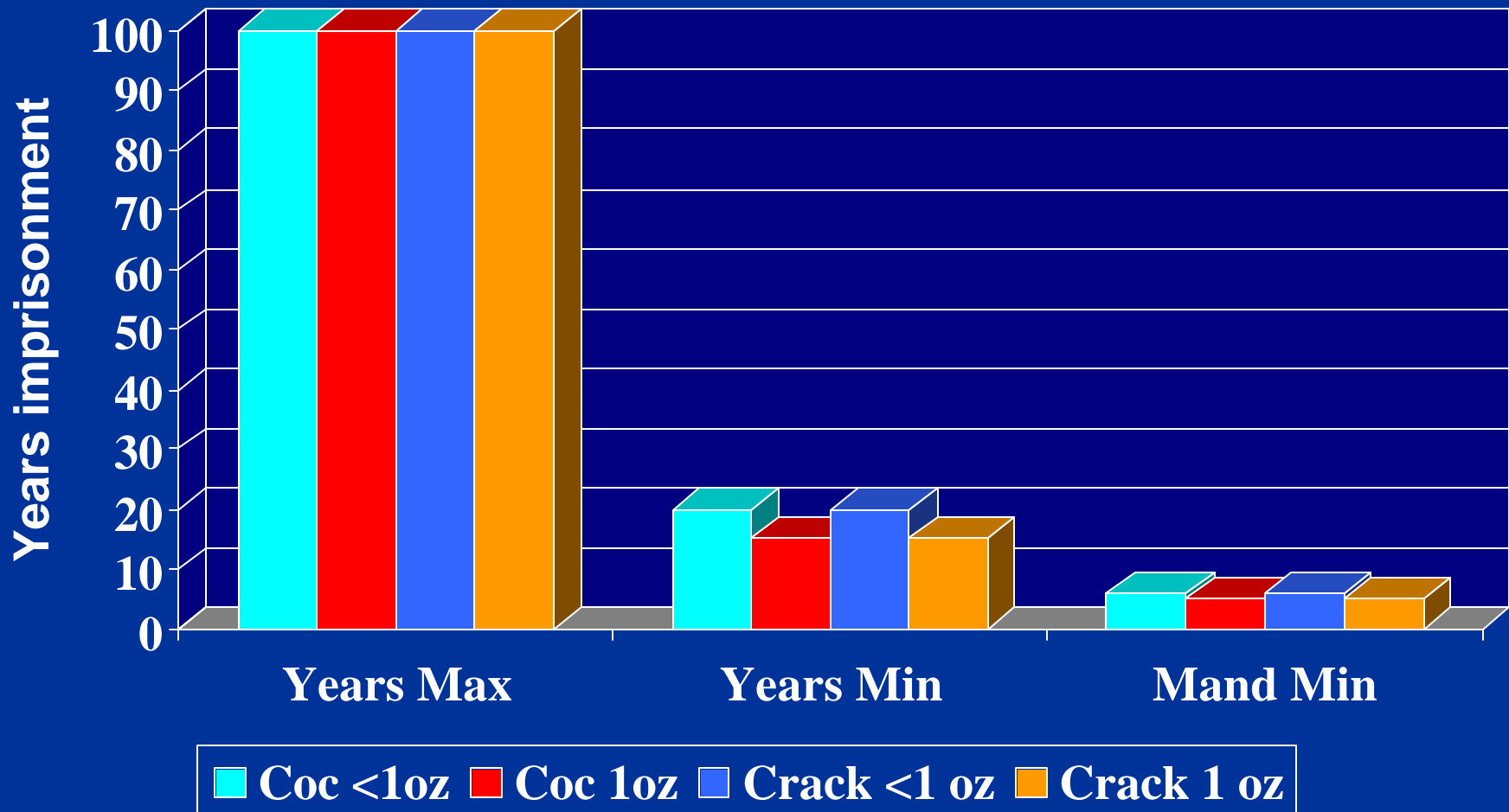
- Most states do not legislate sanctions for all four categories
- Sale and manufacturing penalties are the most common
- Use penalties are the least common
- Penalties for each category vary by substance

# Federal terms of imprisonment for sale of selected drugs

<b>Drug</b>	<b>Schedule</b>	<b>First Offense</b>	<b>Second Offense</b>
Cocaine	II	5-40	10-life
Crack	II	5-40	10-life
Meth.	II	5-40	10-life
MDMA	I	up to 20	up to 30
GHB	I	up to 20	up to 30
Rohypnol	IV	up to 3	up to 6

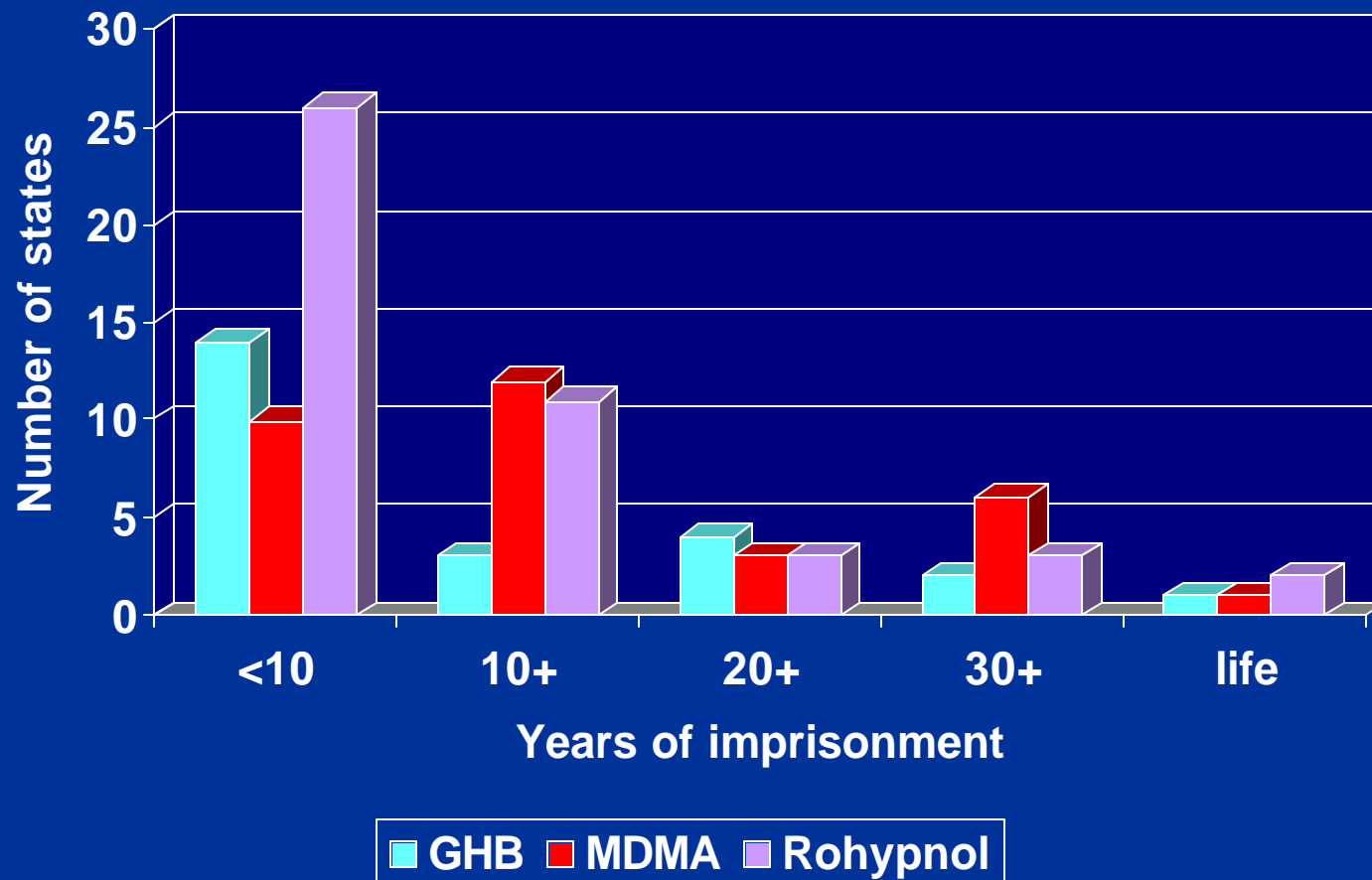
Source: Drug Enforcement Administration, *Drugs of Abuse*, 1997.

# Range of imprisonment for sale of powder and crack cocaine



100= life imprisonment

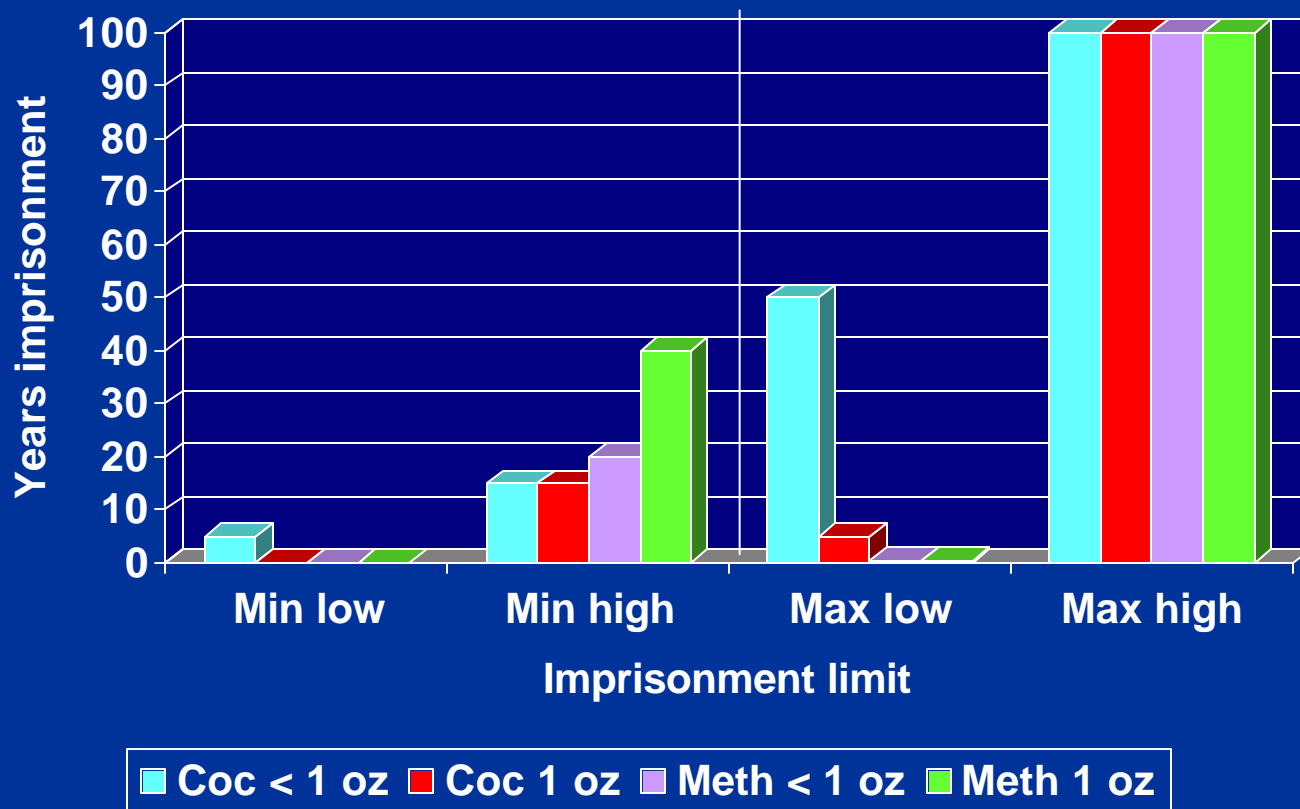
## Range of imprisonment for sale of “any” amount of GHB, MDMA, or Rohypnol



## Manufacturing penalties: cocaine, crack, & methamphetamine (by quantity)

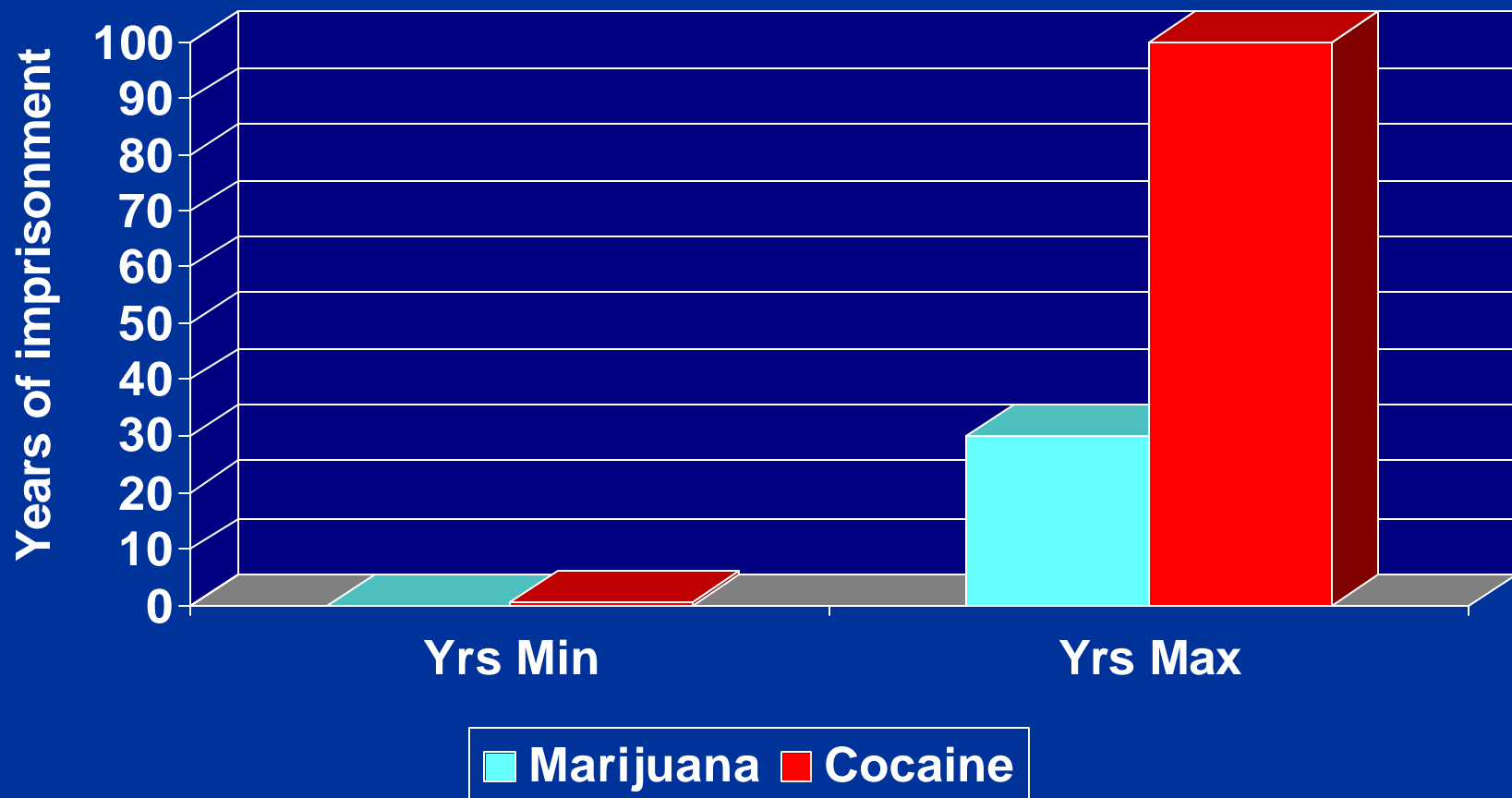
<b>Drug</b>	<b>Yrs Min</b>	<b>Yrs Max</b>	<b>Fine Max</b>
Cocaine 1 oz	5-15	50-life	\$500,000
Crack 1 oz	5-15	50-life	\$500,000
Meth. 1 oz	0-15	5-life	\$300,000
Cocaine <1 oz	0-20	.5-life	\$1,000,000
Crack < 1 oz	0-20	.5-life	\$1,000,000
Meth. < 1 oz	0-40	.5-life	\$1,000,000

# Imprisonment for manufacturing: cocaine vs. methamphetamine



100 = life imprisonment

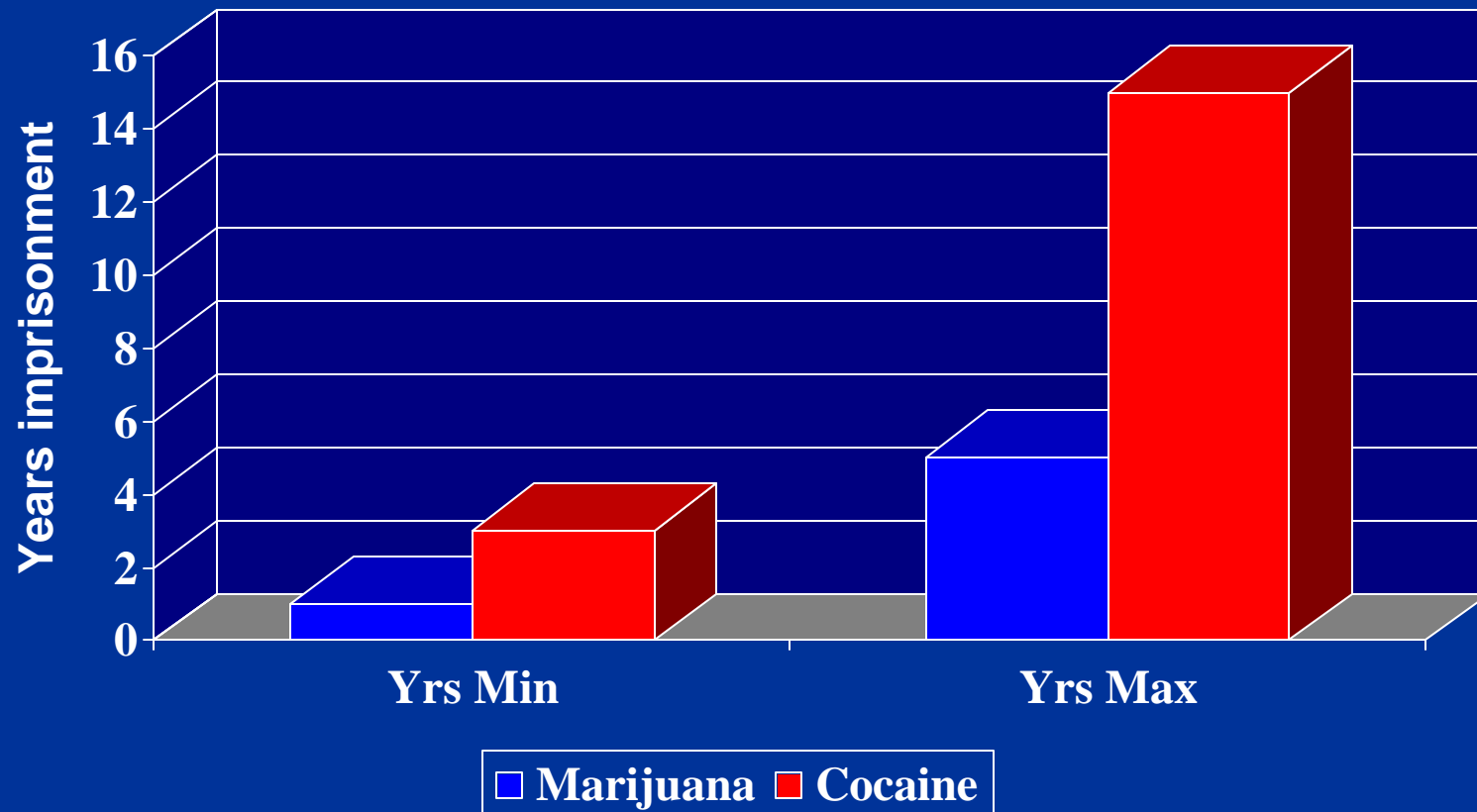
# Imprisonment for manufacturing: marijuana vs. cocaine (Quantity: # 1 ounce)



100 = life imprisonment



# Imprisonment for possession: marijuana vs. cocaine



# Use penalties-1

- Nine states have sanctions for use of any quantity of illicit drugs
  - One state (Ohio) has sub-divided its use penalties into amount-based penalties which vary based on substance
    - For example: 1 gram of crack cocaine has the same penalty as 5 grams of cocaine powder

## Use penalties-2

- Imprisonment for use of illicit drugs ranges from .13 years (approx. 48 days) to 10 years
- No state has a mandatory minimum imprisonment term for use violations

# Year 2 plans for legislative database

- Update year 1 topics to include data through January 1, 2000
- Add additional topics (to be determined)
- Expand the ability to use the legislative data for analytic purposes