

PENALTIES UNDER TEXAS LAW

**Misdemeanor:
Class C-**

12.23. CLASS C MISDEMEANOR. An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$500.

Class B-

12.22. CLASS B MISDEMEANOR. An individual adjudged guilty of a Class B misdemeanor shall be punished by:

- (1) a fine not to exceed \$2,000;
- (2) confinement in jail for a term not to exceed 180 days; or
- (3) both such fine and confinement.

Class A-

12.21. CLASS A MISDEMEANOR. An individual adjudged guilty of a Class A misdemeanor shall be punished by:

- (1) a fine not to exceed \$4,000;
- (2) confinement in jail for a term not to exceed one year; or
- (3) both such fine and confinement.

Felony:

State Jail Felony-

12.35. STATE JAIL FELONY PUNISHMENT. (a) Except as provided by Subsection (c), an individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days.
(b) In addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$10,000.

Third Degree-

12.34. THIRD DEGREE FELONY PUNISHMENT. (a) An individual adjudged guilty of a felony of the third degree shall be punished by imprisonment in the institutional division for any term of not more than 10 years or less than 2 years.(b) In addition to imprisonment, an individual adjudged guilty of a felony of the third degree may be punished by a fine not to exceed \$10,000.

Second Degree-

12.33. SECOND DEGREE FELONY PUNISHMENT.(a) An individual adjudged guilty of a felony of the second degree shall be punished by imprisonment in the institutional division for any term of not more than 20 years or less than 2 years.(b) In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$10,000.

First Degree-

12.32. FIRST DEGREE FELONY PUNISHMENT. (a) An individual adjudged guilty of a felony of the first degree shall be punished by imprisonment in the institutional division for life or for any term of not more than 99 years or less than 5 years.(b) In addition to imprisonment, an individual adjudged guilty of a felony[0] of the first degree may be punished by a fine not to exceed \$10,000.

Capital-

12.31. CAPITAL FELONY. (a) An individual adjudged guilty of a capital felony in a case in which the state seeks the death penalty shall be punished by imprisonment in the institutional division for life without parole or by death. An individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty shall be punished by imprisonment in the institutional division for life without parole.(b) In a capital felony trial in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on conviction of a capital felony. In a capital felony trial in which the state does not seek the death penalty, prospective jurors shall be informed that the state is not seeking the death penalty and that a sentence of life imprisonment without parole is mandatory on conviction of the capital felony.

Offense	Minimum Punishment	Maximum Punishment
Manufacture or delivery of controlled substances (drugs) (Health & Safety Code/481.112)**	State jail felony	Imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Possession of controlled substances (drugs) (Health & Safety Code/481.115-481.119)	State jail felony	Imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed \$250,000
Delivery of marijuana (Health & Safety Code/481.120)	Class B misdemeanor	Imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000
Possession of Marijuana (Health & Safety Code/481.121)	Class B misdemeanor	Imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000
Falsification of drug test results (Health & Safety Code/481.133)	Class B misdemeanor	Class A misdemeanor
Conviction of a felony violation of the control substance act (Transportation Code/521.372)		Suspension of driver's license
Driving While Intoxicated (includes intoxication from alcohol, drugs or both) (Penal Code/49.04)	Class B misdemeanor, with a minimum term of confinement of 72 hours. *If found with open container of alcohol in person's possession, a Class B misdemeanor with a minimum term of confinement of 6 days	Felony of the third degree
Public Intoxication (Penal Code/49.02)		Class C misdemeanor
Purchase of alcohol by a minor(Alcohol Beverage Code/106.02)	Class C misdemeanor	A fine of not less than \$250 or more than \$2,000 and confinement in jail for a term not to exceed 180 days
Consumption of alcohol by a minor(Alcohol Beverage Code/106.04)	Class C misdemeanor	A fine of not less than \$250 or more than \$2,000 and confinement in jail for a term not to exceed 180 days
Possession of alcohol by a minor(Alcohol Beverage Code/106.05)	Class C misdemeanor	A fine of not less than \$250 or more than \$2,000 and confinement in jail for a term not to exceed 180 days
Sale of alcohol to a minor(Alcohol Beverage Code/106.03)		Class A misdemeanor
Driving under the influence by a minor (Alcohol Beverage Code/106.041)	Class C misdemeanor	A fine of not less than \$500 or more than \$2,000 confinement in jail for a term not to exceed 180 days. In addition, court may order minor to perform community service for not less than 40 hours or more than 60 hours.

PENALTIES UNDER FEDERAL LAW

Offense	Minimum Punishment	Maximum Punishment
Manufacture, distribution, or dispensing drugs (includes Marijuana)(21 USC 844)	A term of imprisonment not more than 1 year, and a minimum fine of \$1,000	A term of life imprisonment without release (not eligible for parole) and a fine not to exceed \$8,000(for individual) or \$20,000 (if other than individual).
Possession of drugs (includes marijuana) (USC 844)	Civil penalty in amount not to exceed \$10,000	Imprisonment for not more than 20 years and not less than 5 years, a fine of not less than \$5,000 plus cost of investigation and prosecution.
Operation of a common carrier under the influence of alcohol or drugs (21 USC 802)		Imprisonment for up to 15 years and a fine not to exceed \$250,000.

***Penal Code additions in the 2007/2008 academic year**

32.15 - It is an offense to possess the identifying information or three or more other people with the intent to defraud or harm. This is significant to students that become involved in distributing identification to allow underage drinking. In some cases this can be as serious as a first-degree felony.

49.07 - Intoxication assault and **49.08** - Intoxication manslaughter have both been enhanced one degree if the victim is a Peace Officer, Firefighter or Emergency Medical person and it happens in the discharge of their duties.

****Health and Safety Code additions in the 2007/2008 academic year**

481.112 - The manufacture of a substance in penalty group I is enhanced one degree if a person under 18 years of age is on the premises when the manufacturing occurs.

Updated 10/9/07

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STANDARDS OF CONDUCT

A student who, by a preponderance of the evidence, under these Rules and Regulations, is found to have illegally possessed, used, sold or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to discipline, ranging from mandatory, university or college approved counseling to expulsion. Mitigating or aggravating factors in assessing the proper level of discipline shall include, but not necessarily be limited to, the student' motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university or college community; and the likelihood that the behavior will recur. A second infraction for a drug-related offense shall result in permanent expulsion from the component and from all other institutions in the Texas State University System. A student who has been suspended, dismissed, probated or expelled from any system component shall be ineligible to enroll at any other system component during the applicable period of discipline.

UPPS 04.04.45 (Drug Free Workplace) prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in all university workplaces. University employees who violate this prohibition are subject to the sanctions set forth in UPPS 04.04.40 (Terminating and Disciplining Staff Employees), including discharge.

HEALTH RISKS OF ALCOHOL AND OTHER DRUGS

Alcohol – Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. Like very high doses, sudden cessation of alcohol intake is likely to produce withdrawal symptoms including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and the liver. Females who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome (physical abnormalities and mental retardation). In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.

Tobacco (Nicotine) - The smoking of tobacco products is a major, avoidable cause of death in our society. Smokers are more likely than nonsmokers to contract heart disease. Cancer is strongly linked to smoking. Chronic obstructive lung diseases such as emphysema and chronic bronchitis are 10 times more likely to occur among smokers than among nonsmokers. Smoking during pregnancy poses serious risks to infants. The most dangerous substance in tobacco is nicotine. Because nicotine is highly addictive, smokers find it very difficult to stop smoking.

Designer Drugs - Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate. Many of the so-called designer drugs are related to amphetamines (MDMA, X). Bootleg manufacture creates overdose and contamination risks. These substances can produce severe neurochemical damage to the brain. The narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depressions and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause hallucinations, and impaired perception.

Cocaine – Cocaine stimulates the central nervous system. The use of cocaine can cause death by cardiac arrest or respiratory failure. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly. Crack or free base rock is extremely addictive and its effects are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucination, paranoia, and seizures.

Amphetamines – Amphetamine use causes increased heart and respiratory rates, elevated blood pressure, and dilated pupils. Large doses cause rapid or irregular heartbeat, tremors and physical collapse. An amphetamine injection creates a sudden increase in blood

pressure that can result in stroke, high fever and heart failure. An individual using amphetamines might begin to lose weight, have periods of excessive sweating, and appear restless, anxious, moody and unable to focus. Extended use may produce psychosis, including hallucinations, delusions and paranoia.

Marijuana – Marijuana use leads to a substantial increase in heart rate. It impairs or reduces short-term memory and comprehension and motivation and cognition are altered. With extended use it can produce paranoia and psychosis. Smoking marijuana damages the lungs and pulmonary system. Marijuana contains more cancer causing agents than tobacco. It also lowers male sex hormones, suppresses ovulation, and causes changes in the menstrual cycle and possibly causes birth defects. Someone who uses marijuana may have bloodshot eyes, dry mouth and throat, a poor sense of timing and increased appetite.

Anabolic Steroids – Anabolic steroids are a group of powerful compounds closely related to the male sex hormone testosterone. Steroid users subject themselves to more than 70 side effects ranging in severity from liver cancer to acne and including psychological as well as physical reactions. The liver and the cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects include very aggressive behavior known as "roid rage" and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.

Hallucinogens – Lysergic acid (LSD), mescaline, and psilocybin (mushrooms) cause hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. It is common to have bad psychological reactions to LSD, mescaline, psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects or flashbacks, can occur even after use has ceased. Users of PCP report persistent memory problems and speech difficulties. Some of these effects may last 6 months to a year following prolonged daily use. Mood disorders – depression, anxiety, and violent behavior – also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior. Large doses may produce convulsions and coma, as well as heart and lung failure.

Barbiturates – In small doses, barbiturates produce calmness, relaxed muscles and lowered anxiety. Larger doses cause slurred speech, staggering gait and altered perception. Very large doses taken in combination with other central nervous system depressants (e.g. alcohol) cause respiratory depressions, coma and sometimes death. A person who uses barbiturates may have poor muscle control, appear drowsy or drunk, become confused, irritable, and inattentive or have slowed reactions.

Narcotics – Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users may also experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing clammy skin, convulsions, coma, and possible death. Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as AIDS, enocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

Depressants – The effects of depressants are, in many ways, similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death.

Inhalants – The immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and Butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops. Long-term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

UNIVERSITY PENALTIES

Students – The University has adopted the regents' rules and regulations regarding use, possession, or distribution of drugs or alcohol. Penalties that may be imposed include suspension, distribution of drugs or alcohol, damage to or misappropriation of property, or such other penalty as may be determined by the University.

Employees – The unlawful use, possession, or distribution of drugs or alcohol in a disciplinary penalty of suspension, or discharge, depend on the nature of the offense.

AVAILABLE DRUG AND ALCOHOL RESOURCES

Campus Services:

Alcohol and Drug Resources – A variety of services for students are available for the use or abuse of alcohol and other drugs. Referral as well as educational services are provided. Resource Center is located at 512-245-3601.

The Assessment and Counseling Center provides a variety of counseling services. The Center is located on the 5th floor of the Student Center. The telephone number is 512-245-3601.

Counseling Center: The Counseling Center provides services to help currently enrolled students. They have a staff of professional counselors for a wide range of issues. Student Center, Room 5-401.

Employee Helpline: Texas State University Employee Helpline, which provides a confidential call 512-245-2208 or 512-245-3601 or an appointment.

Community Services:

Hays Caldwell Council on Alcoholism provides counseling, treatment and offers a support group. The Council is located at 1901

Community-based support groups include Alcoholics Anonymous, Narcotics Anonymous, and AA. Meeting dates, times and locations are available at 512-245-3601.

AI-Anon, a support group for family and friends of alcoholics. Call 512-392-2064 or 512-352-1111.

Alateen, a support group for family and friends of alcoholics. Call 512-392-2064 or 512-352-1111.

Alcoholics Anonymous, 512-392-2064 or 512-352-1111.

Cocaine Anonymous, 512-392-2064 or 512-352-1111.

Narcotics Anonymous, 512-392-2064 or 512-352-1111.

For further information contact the Alcohol and Drug Resources Center at 512-245-3601.