

### Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 gms mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Not less than 25 yrs. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28-279 gms mixture		280 gms or more mixture	
Fentanyl (Schedule II)	40-399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10-99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100-999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5-49 gms pure or 50-499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10-99 gms pure or 100-999 gms mixture	100 gms or more pure or 1 kg or more mixture		

PENALTIES		
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gm	

Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 10yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
Flunitrazepam (Schedule IV)	30 to 999 mgs	<b>First Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if other than an individual.
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>Second Offense:</b> Not more than 10yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

<b>DRUG</b>	<b>QUANTITY</b>	<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE*</b>
Marijuana (Schedule 1)	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>● Not less than 10 years, not more than life</li> <li>● If death or serious injury, not less than 20 years, not more than life</li> <li>● Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>● Not less than 15 years, not more than life</li> <li>● If death or serious injury, mandatory life imprisonment.</li> <li>● Fine not more than \$20 million if an individual, \$75 million if other than an individual</li> </ul>

Marijuana (Schedule 1)	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$5 million if an individual, \$25 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years. Not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million if an individual, \$50 million if other than an individual</li> </ul>
Marijuana (Schedule 1)	more than 10 kgs hashish; 50 to 99 kg mixture  More than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not less than 20 years</li> <li>• If death or serious injury, not less than 20 years, not more than life</li> <li>• Fine not more than \$1 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine \$2 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana	Less than 50 kg marijuana (does not include 50 or more plants regardless of weight); 1 to 49 plants	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years.</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual.</li> </ul>
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is not less than 25 years imprisonment and a fine up to \$20 million if an individual and \$75 million if other than an individual.

New Federal Drug Policies:

[Proposed: Implementation of policies from the First Step Act](#)

- One of two proposed provisions of the 2018 First Step Act that have been published for comment includes a “safety valve” eligibility for certain repeat offenders
- The provision would allow offenders with a criminal history to avoid mandatory minimum sentencing
- As applied to federal drug laws, the provision would amend the current safety valve procedure in §5C1.2 to amend its accessibility

[Congress has proposed a bill to prohibit anyone charged with trafficking drugs near the border from receiving federal benefits](#)

- As of now, it has been read in Congress and has been referred to the Committee on Homeland Security and Governmental Affairs so no indication yet of whether it will go into effect