



A publication of the New Jersey State Bar Foundation

**Legal Consequences  
of Substance Abuse**

# You already know that alcohol and drugs can damage your health and even lead to death.



In addition to the significant medical and psychological consequences, substance abuse can also damage your future. For example, you might limit life's basic opportunities, such as earning a living. Often, companies require pre-employment drug testing. If you test positively for drugs, some corporations will not hire you, even if you are otherwise qualified.

How about your ability to travel from place to place by driving a car? This privilege can be lost. Did you know that the penalty for a **first** drunk driving offense in New Jersey is up to one year's loss of driver's license plus fines and possible jail time? You may lose your driver's license for at least six months if you are convicted of any drug offense. It doesn't matter if a car was used in committing the offense.

As you can see, there are many legal consequences of substance abuse. The New Jersey State Bar Foundation wants you to know about them. Don't become another

criminal arrest statistic. If you don't do drugs, stay drug-free. If you or a friend need help with an alcohol or drug problem, please call the hotline numbers listed at the back of this pamphlet.

Following is a selection of New Jersey statutes dealing with substance abuse offenses (source: New Jersey Statutes [N.J.S.A.]).

## Learn about these laws so that you won't become involved with the law.

### **Significant Laws Governing Substance Abuse**

A juvenile 14 years old and over who is charged with a drug-related offense can be treated as an adult in criminal court. N.J.S.A. 2A:4A-26.

Anyone convicted of distributing a controlled substance to a person under age 18 will be subject to twice the term of imprisonment, fine and penalty. N.J.S.A. 2C:35-8.

"Distribute" does not necessarily mean "sell." Passing or attempting to transfer drugs to another may be considered distribution—even if no money changes hands. N.J.S.A. 2C:35-2.

Anyone convicted of conspiring with two or more people of passing certain drugs could be considered a dealer therefore subject to 25 years in prison before parole. N.J.S.A. 2C:35-3.

Anyone convicted of simply having any type of illegal drug in a drug-free school zone will have to do at least 100 hours of community service. N.J.S.A. 2C:35-10.

Anyone convicted as an adult for passing any type of illegal drug in a school zone, other than marijuana, will get three years in prison without parole. N.J.S.A. 2C:35-7.

Anyone convicted as an adult for dealing one ounce or less of marijuana in a school zone will get at least one year in prison without parole. N.J.S.A. 2C:35-7.

New Jersey law provides strict liability for drug-induced deaths. Even if the victim voluntarily takes the drug, the person who distributes or dispenses the controlled dangerous substance can be

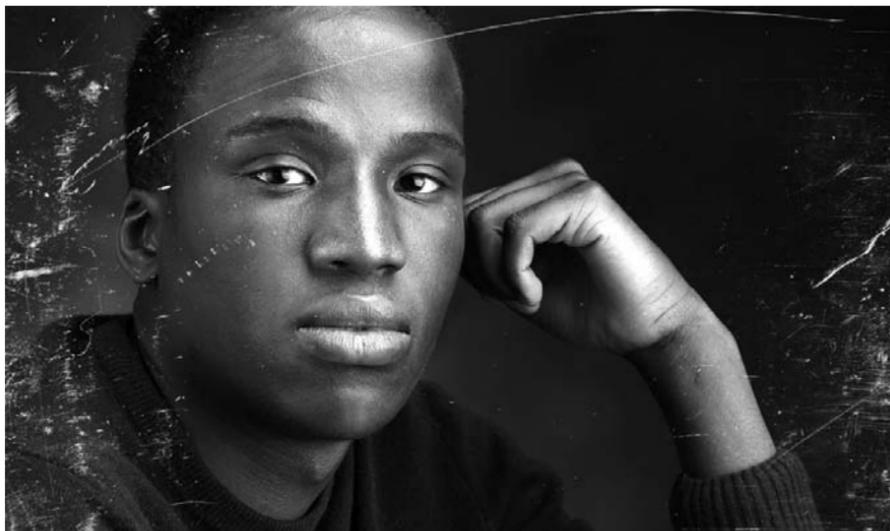
prosecuted for a homicide. N.J.S.A. 2C:35-9 (applies to Schedule I and Schedule II drugs).

Anyone convicted of any drug offense, including use, will have to pay a special cash penalty which starts at \$500 and goes up to \$3,000. This money is intended for drug enforcement and prevention programs. N.J.S.A. 2C:35-15.

**Anyone convicted of any drug offense may lose his or her driver's license for six months to two years. It doesn't matter if a car was used in committing the offense.  
N.J.S.A. 2C:35-16.**

Anyone under 17 years old who is convicted of any drug offense may not be able to get his or her driver's license for at least six months after turning 17. N.J.S.A. 2C:35-16.





## Alcohol

The penalties for a **First DWI** offense (i.e., operating a motor vehicle under the influence of alcohol or drugs) in New Jersey are as follows:

- up to one year loss of driver's license;
- possibility of 30 days in jail;
- more than \$3,500 in fines, costs, fees and surcharges; and
- mandatory sentencing to 12 hours at an alcohol program.

All drivers, regardless of age, are considered to be driving while intoxicated if their blood alcohol level is .08 percent or higher. Drivers under the age of 21, however, are held to a stricter standard. Any measurable alcohol level in a driver under age 21 (even .01 percent) is a violation of the law punishable by loss of driver's license for 30 to 90 days, 15 to 30 days of community service, and attendance at the Intoxicated Driver Resource Center. N.J.S.A. 39:4-50.14.

A second DWI offender faces greater penalties including two years' loss of driver's license. A third DWI offender, in addition to enhanced penalties, receives a mandatory sentence of 180 days in jail, plus a 10-year loss of license.

According to *Filomena's Law*, DWI offenders within a school zone receive **double** fines and penalties.

Drivers and passengers are subject to a \$200 fine for *consumption of an alcoholic beverage in a motor vehicle*.

Anyone under 21 years old who consumes or possesses any alcoholic beverage in a public place or a motor vehicle is a disorderly person subject to up to six months in jail, a fine up to \$1,000, and six months' loss of driver's license if in a motor vehicle. N.J.S.A. 2C:33-15.

With some exceptions, anyone who offers, serves or makes an alcoholic beverage available to a person under the legal age for consuming alcoholic beverages is a disorderly person and may be subject to a fine up to \$1,000 and up to six months in jail. N.J.S.A. 2C:33-17.

New Jersey law also prohibits an "unsealed container" of an alcoholic beverage in the passenger compartment of a motor vehicle. *Drivers and passengers* are subject to mandatory \$200 fines for a first offense and will perform a mandatory 10 days of community service for a second offense. An "unsealed container" includes a glass or cup used for an alcoholic beverage. N.J.S.A. 39:4-51a.

Anabolic steroids are controlled substances. Convictions for distribution carry fines up to \$7,500 and a prison term between five and 10 years.



## Help Is Available

**Don't wait for  
involvement with  
the criminal justice  
system.**

If you are a young person who needs help or additional information about substance abuse, visit the Student Assistance Counselor at your school. Student Assistance Programs provide understanding and help with

utmost confidentiality protected by Federal law (42 Code of Federal Regulations-Part 2).

The following organizations can also help. Information follows:

**New Jersey  
Prevention Network**  
732-367-0611  
info@njpn.org

*Statewide member agencies:*

**Atlantic Prevention Resources**  
609-272-0101  
www.resources.atlprev.org

**The Center for Alcohol  
and Drug Resources  
(Bergen County)**  
201-488-8680  
info@tcadr.org

**Prevention Plus of  
Burlington County, Inc.**  
609-261-0001  
www.prevplus.org

**Camden County Council on  
Alcoholism & Drug Abuse**  
856-427-6553  
www.cccada.org

**Cape Assist—Cape May  
Council on Alcoholism &  
Drug Abuse**  
609-522-5960  
www.capeassist.org

**Essex Prevention Resources**  
973-571-2324  
essexdirector@yahoo.com  
www.essexpreventionresources.org

**The Southwest Council**  
*Cumberland Office:*  
856-794-1011 or 1-800-856-9609

*Gloucester Office:*  
856-307-9950

*Salem Office:*  
856-935-0182  
www.southwestcouncil.org

**Partners in Prevention  
Hudson County, Inc.**  
201-653-6776  
www.partners-in-prevention.com

**Hunterdon Prevention  
Resources**  
908-782-3909  
www.hunterdonprevention.com

**Mercer Council on Alcoholism  
& Drug Addiction**  
609-396-5874  
TTY: 609-396-2170  
www.mercercouncil.org

**NCADD of  
Middlesex County, Inc.**  
732-254-3344  
www.ncadd-middlesex.org

**Prevention First  
(Monmouth County)**  
732-663-1800  
www.preventionfirst.net

**Morris County  
Prevention is Key**  
973-625-1998  
info@mcpiik.com  
www.mcpiik.com

**ADACO (Ocean County)**  
*Main office:* Lakewood  
732-367-5515  
*Counseling Center:* West Creek  
609-597-9601  
www.adaco.org

**Passaic County Council on  
Alcoholism & Drug Abuse  
Prevention, Inc.**  
973-473-3366  
www.passaiccountycouncil.org

**Somerset Council on  
Alcoholism &  
Drug Dependency**  
908-722-4900  
www.somersetcouncil.com

**Center for Prevention and  
Counseling (Sussex County)**  
973-383-4787  
info@centerforprevention.org  
www.centerforprevention.org

**Prevention Links  
(Union County)**  
732-381-4100  
TTY: 732-381-4192  
info@preventionlinks.org  
www.preventionlinks.org

**Community Prevention  
Resources (Warren County)**  
908-835-1800  
www.communitypreventionresources.org

## Treatment Referral

If you or someone you know is having problems with alcohol or other drugs, the number to call in New Jersey for referral to a helping agency is 609-292-7232 or 800-238-2333. For a treatment directory and more information, visit [www.state.nj.us/humanservices/das](http://www.state.nj.us/humanservices/das).

## Contact/Community Helplines

Addictions Hotline of NJ (24 Hours) 800-238-2333  
Interpreter available for 140 languages

AIDS Hotline 800-624-2377

Narcotics Anonymous 800-992-0401

New Jersey Self-Help Clearinghouse 800-367-6274

Alanon/Alateen of North Jersey (Family Groups)  
973-744-8686

Alcoholics Anonymous (AA)  
908-687-8566 or 800-245-1377

Nar-Anon 800-322-5525

Narcotics Anonymous (NA) 800-992-0401

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