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August 2019

## **Alcohol and Other Drugs Key Laws, Policies, and Penalties**

### **UNL STUDENT LEGAL SERVICES**

[Student Legal Services \(SLS\)](#) is a free resource to all students. SLS employs three lawyers who work for the ASUN student government and offer free legal advice to students.

### **GOOD SAMARITAN LAW**

([Neb. Rev. Stat. 53-180.05 \(b\) \(c\) \(d\) \(e\)](#))

*Call 911 when you suspect a drug or alcohol overdose without fear of receiving a MIP*

- Limited immunity to both the intoxicated minor and first person to call for help
- Stay on the scene until law enforcement and/or medical personnel arrive
- Cooperate with officials

### **MINOR IN POSSESSION - MIP**

([Neb. Rev. Stat. 53-180.02](#) Minor; prohibited acts; exception; governing bodies; powers.)

([Lincoln Municipal Code 9.48.040](#) Minors; Possession or Consumption of Alcoholic Liquor Prohibited.)

*It is illegal to drink or possess alcohol if you are under the age of 21*

- Up to \$500 fine, up to 3 months in jail, or both
- UPD will attempt to notify a parent. LPD or other law enforcement agencies may or may not attempt to notify a parent.
- Driver's license or permit may be revoked for a period of time
- Alcohol education, alcohol assessment, and/or community service may be mandated
- Student Code of Conduct violation

### **FAKE ID**

([Neb. Rev. Stat. §60-491](#) Prohibited Acts.) ([Lincoln Municipal Code 9.48.030](#) Minors; Misrepresenting Age.; [Lincoln Municipal Code 9.48.020](#) Furnishing False Identification.)

*It is illegal for minors to misrepresent age to obtain or attempt to obtain alcohol. It is also illegal to give a minor a fake ID for the purpose of obtaining or attempting to obtain alcohol.*

- Up to \$500 fine, up to 90 days in jail, or both
- Student Code of Conduct violation

### **PROCURING ALCOHOL FOR A MINOR**

([Neb. Rev. Stat. 53-180.](#) Prohibited acts relating to minors and incompetents.)

*It is illegal to provide alcohol to anyone under the age of 21*

- Up to \$1,000 fine, up to a 1 year in jail, or both

- Not eligible for pre-trial diversion
- Minors can be charged, too
- Student Code of Conduct violation

## **HAZING**

([Neb. Rev. Stat. 28-311.06](#). Hazing, defined; penalty.)

*It is illegal to commit or coerce the act of hazing.*

“Hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization. Such hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person or the coercing of any such activity.”

- Up to 6 months in jail, \$1,000 fine, or both
- Organizations can be fined up to \$10,000
- Student Code of Conduct violation

## **MARIJUANA**

*In Nebraska, it is illegal to possess any form of cannabis/marijuana, defined as a Schedule I Controlled Substance ([Neb. Rev. Stat. 28-405](#)) Cannabis crimes are charged according to the weight possessed by the suspect at the time of arrest.*

### **Possessing any amount up to 1 ounce**

([Neb. Rev. Stat. 28-416](#). Prohibited acts; violations; penalties.) ([Lincoln Municipal Code 9.48.090](#) Possession of Marijuana; One Ounce or Less)

- First offense: \$300 fine and possible drug education course. Infraction.
- Second offense: \$400 fine, and up to five days in jail. Class IV misdemeanor.
- Third and subsequent offenses, \$500 fine, up to seven days in jail. Class IIIA misdemeanor.
- Student Code of Conduct violation

### **Possessing more than 1 ounce up to 1 pound**

([Neb. Rev. Stat. 28-416](#). Prohibited acts; violations; penalties.)

- \$500 fine, up to three months jail, or both
- Class III misdemeanor
- Student Code of Conduct violation

### **Possessing more than 1 pound**

([Neb. Rev. Stat. 28-416](#). Prohibited acts; violations; penalties.)

- \$10,000 fine, up to 5 years in jail, or both.

- Class IV felony
- Student Code of Conduct violation

**Possessing any quantity of concentrated THC (hash, hash oil, edibles, wax)**

([Neb. Rev. Stat. 28-405](#). Controlled substances; schedules; enumerated.)

- Up to 2 years in jail and up to \$10,000 fine
- Class IV felony
- Student Code of Conduct violation

**Manufacture, distribution, or possession of Marijuana with intent to distribute:**

([Neb. Rev. Stat. 28-416](#). Prohibited acts; violations; penalties.) ([Neb. Rev. State. 28-105](#). Felonies; classification of penalties; sentences; where served; eligibility for probation.)

- Class IIA felony
- Up to 20 years in prison
- Penalties intensify for sale or attempted sale to a minor, on or within 1,000 feet of school property (elementary through college), or within 100 feet of a youth center or public pool.
- Student Code of Conduct violation

**ADDERALL, RITALIN, OXYCONTIN, VICODIN [and other Schedule II Controlled Substances](#)**

*It is a felony to possess or use Schedule II drugs without a prescription from a licensed medical provider.* ([Neb. Rev. Stat. 28-416](#). Prohibited acts; violations; penalties.) ([Neb. Rev. State. 28-105](#). Felonies; classification of penalties; sentences; where served; eligibility for probation.)

- Class II felony without the possibility of probation
- 1 to 50 years in prison
- Student Code of Conduct violation

**Manufacture, distribution, or possession of Adderall, Ritalin, Oxycontin, Vicodin [and other Schedule II Controlled Substances](#) with intent to distribute:**

([Neb. Rev. Stat. 28-416](#). Prohibited acts; violations; penalties.) ([Neb. Rev. State. 28-105](#). Felonies; classification of penalties; sentences; where served; eligibility for probation.)

- Class IIA felony
- Up to 20 years in prison
- Penalties intensify for sale or attempted sale to a minor, on or within 1,000 feet of school property (elementary through college), or within 100 feet of a youth center or public pool.
- Student Code of Conduct violation

**PARAPHERNALIA**

([Neb. Rev. Stat. 9.48.130](#) Paraphernalia; Use or Possession; Unlawful.)

*It is illegal to use, or possess with intent to use, paraphernalia to manufacture, ingest, inhale, or otherwise introduce to the human body marijuana or any toxic compounds.*

- Cited with an Infraction
- Student Code of Conduct violation

### **DRIVING UNDER THE INFLUENCE - DUI**

([Neb. Rev. Stat. 60-6,196](#) Driving under influence of alcoholic liquor or drug; penalties.) ([Lincoln Municipal Code 10.16.030](#) Under Influence of Alcoholic Liquor; Alcohol in Body Fluid: Penalty.)

*It is illegal to drive under the influence of alcohol or any drug, or with a BAC of 0.08 or higher, or any BAC if the driver seems impaired. Penalty is based on BAC, prior offenses, prior convictions.*

*Minimum penalty:*

- \$500 fine and 7-60 days in jail
- 6 months driver's license revocation (1 year if BAC over 0.15)
- Student Code of Conduct violation

### **DISTURBING THE PEACE**

([Neb. Rev. Stat 28-1322](#)) ([Lincoln Municipal Code 9.20.050](#))

*It is illegal to intentionally disturb the peace and quiet of any person, family, or neighborhood.*

- \$500 fine, up to 3 months in jail, or both
- Student Code of Conduct violation

### **DISORDERLY HOUSE**

([Lincoln Municipal Code 9.20.030](#) Disorderly House; Maintaining.)

*It is illegal for a resident, lessee, owner, or manager to allow illegal activities or disturbing noise in a disorderly house.*

- First offense: \$250-\$500 fine, 6 months in jail or both
- Student Code of Conduct violation

### **INMATE OF A DISORDERLY HOUSE**

([Lincoln Municipal Code 9.20.040](#) Inmate of Disorderly House.)

*It is illegal to occupy or visit any disorderly house and knowingly participate in illegal activities in a disorderly house.*

- First offense: \$250-500 fine, 6 months in jail, or both
- Student Code of Conduct violation

### **FALSE REPORTING**

([Neb. Rev. Stat. 28-907](#) False reporting; penalty.)

*It is against the law to lie to law enforcement.*

- Up to \$1,000 fine, up to 1 year in jail, or both
- Student Conduct Code violation

### **OBSTRUCTING A PEACE OFFICER**

([Nebraska Rev. Stat. 28-906](#) Obstructing a peace officer; penalty.)

*It is illegal to interfere or obstruct law enforcement or a police investigation*

- Up to \$1,000 fine, up to 1 year in jail, or both
- Not eligible for pre-trial diversion
- Student Code of Conduct violation

**PUBLIC URINATION/DEFECATION**

([Lincoln Municipal Code 9.16.210](#) Urinating or Defecating in Public; Prohibited.)

*It is illegal for any person to urinate or defecate on a public street, alley, or any other property, public or private, open to or visible to the public.*

- \$100 fine
- Student Code of Conduct violation