

degree would serve in prison. These guidelines are set by the Minnesota Sentencing Guidelines Commission. The actual length of sentence is determined by the defendant's criminal history. For instance, a person convicted of a second degree drug offense who has no prior convictions will get a shorter sentence than another person also convicted of a second degree drug offense who happens to have a prior record. In addition, pursuant to 1989 legislation, a judge may increase a sentence if the drug offense took place in a school zone or a park zone. If the guidelines call for probation, the defendant can be sentenced to serve up to 12 months in the local jail or workhouse.

#### B. First Degree

- Sale: 10 grams crack, 50 grams cocaine/heroin/methamphetamine, 200 doses hallucinogen, 50 kilos marijuana.
- Possession: 25 grams crack, 500 grams cocaine/heroin/methamphetamine, 500 doses hallucinogen, 100 kilos marijuana.
- Penalty: 0-30 yrs, 4 yr mandatory minimum if prior drug felony; up to \$1 million fine.
- Guidelines: 86 to 146 months.

#### C. Second Degree

- Sale: 3 grams crack, 10 grams cocaine/heroin/methamphetamine, 50 doses hallucinogen, 25 kilos marijuana, or sale of any Schedule I or II narcotic drug either to a person under 18 or in a school zone or park zone.
- Possession: 6 grams crack, 50 grams cocaine/heroin/methamphetamine, 100 doses hallucinogen, 50 kilos marijuana.
- Penalty: 0-25 yrs, 3 yr minimum if prior drug felony; up to \$500,000 fine.
- Guidelines: 48 to 98 months.

#### D. Third Degree

- Sale: Crack/cocaine/heroin, 10 doses hallucinogen, 5 kilos marijuana, or sale of any Schedule I, II, or III drug (except a Schedule I or II narcotic drug or marijuana) to a person under 18 or employment of person under 18 to sell same.
- Possession: 3 grams crack, 10 grams cocaine/heroin/methamphetamine, 10 kilos marijuana, and any amount of a Schedule I or II narcotic drug in a school zone or park zone.
- Penalty: 0-20 yrs, 2 yr mandatory minimum if prior drug felony; up to \$250,000 fine.
- Guidelines: For possession of crack and cocaine, 48-98 months; for all other third degree offenses, probation to 54 months.

#### E. Fourth Degree

- Sale: Any Schedule I, II, or III drug (except marijuana), or sale of marijuana or any Schedule IV or V drug to person under 18.
- Possession: 10 doses hallucinogen.
- Penalty: 0-15 yrs, 1 yr mandatory minimum if prior drug felony; up to \$100,000 fine.
- Guidelines: Probation to 32 months.

#### F. Fifth Degree

- Sale: Marijuana, or any Schedule IV drug.
- Possession: All Schedule I, II, III, or IV drugs except 1.5 ounces (42.4 grams) or less of marijuana.
- Penalty: 0-5 yrs, 6 month mandatory minimum if prior drug felony; up to \$10,000 fine.
- Guidelines: Probation

G. Possession of 1.5 ounces (42.5 grams) or less of marijuana is a petty misdemeanor punishable by a fine of up to \$200 and required attendance at an approved drug education program. Failure to comply with those sanctions or a second conviction within two years constitutes a misdemeanor. Possession of more than 1.4 grams of marijuana in an automobile continues to be a misdemeanor under Minnesota law.

H. In addition to charging offenders with possession and sale crimes, Minnesota prosecutors can charge drug offenders with, depending on the circumstances: (1) failure to purchase drug tax stamps from the State Commissioner of Revenue; (2) money laundering, if the person conducted a financial transaction with money that he knew was the proceeds of a felony drug crime; and (3) racketeering, under which a dealer can be fined up to three times his gross profits.

#### Mankato Ordinances

Students at Bethany Lutheran College, are expected to obey city ordinances. For specific penalties for violations, contact the Department of Public Safety (507.387.8600). For specific laws, refer to the City of Mankato website ([library.municode.com/mn/mankato/codes/code\\_of\\_ordinances](http://library.municode.com/mn/mankato/codes/code_of_ordinances)) or contact the Mankato city attorney (507.387.8606).



*Bethany Lutheran College will impose sanctions on a student (consistent with local, state, and federal law) according to the sanctioning guidelines of the alcohol and drug section of its standards of conduct. Refer to the appropriate section(s) of the Student Guidebook for further information concerning the College's specific policies on alcohol and drugs and sanctioning guidelines.*

## Alcohol and Drug Information

*This document complies with The Safe Drug-Free Schools and Communities Act Amendments of 1988 and the Drug-Free Work Place Act of 1988.*

### COMMUNITY RESOURCES

*Other resources available in the Student Guidebook*

#### Emergencies

Call 911

Mayo Clinic Health System – 507.625.4031

- 1025 Marsh Street

Crisis Line – 1.800.477.0466

Sexual Violence Resource Center – 507.625.9034

#### Health Services and Agencies

Mankato Clinic Urgent Care – 507.389.8680

- adjoining Mayo Clinic Health System

Mankato Clinic Urgent Care & Occupational Medicine – 507.625.7684

- 1809 Adams Street, (near the River Hills Mall)

Alcoholics Anonymous & AI-Anon – 507.387.2772 or 507.388.8989

- 1430 5th Ave

Christian Family Solutions – 1.800.438.1772

- 421 East Hickory Street, Suite 402

### ALCOHOL CRIMES AND PENALTIES UNDER MINNESOTA LAW

Bethany Lutheran College is obligated by Minnesota statute to inform all individuals connected with the College how state and federal statutes deal with alcohol and controlled substances.

Minnesota has many statutes that regulate and control the use and abuse of alcohol. In addition to Driving While under the Influence (DWI) laws, Minnesota has laws regulating the sale, purchase, possession and consumption of alcohol.

## DWI Law

There are four DWI and Implied Consent packages that aim at preventing the operation of motor vehicles, boats, snowmobiles/all-terrain vehicles and aircraft by inebriated persons.

### Elements of DWI Offense

Minnesota has one of the most comprehensive DWI statutes in the nation. The elements of the offense may be outlined as follows: It is a crime for any person to drive, operate, or be in physical control of a motor vehicle, within this state or upon the ice of any boundary water of this state, while the person is under the influence of alcohol, a controlled or hazardous substance, or a combination of the two, or the person has an "alcohol concentration" of 0.08 or more.

#### A. Driving, Operating, and Physical Control

- The statute does not prohibit only "driving" while under the influence, but extends to "operating" and "physical control" of the motor vehicle. While "driving" normally includes steering a self-propelled vehicle, "operating" includes a broader range of conduct, which includes starting motors, steering towed vehicles, etc. "Physical control" is broader yet, and applies to any person who places himself or herself in a position to either restrain a vehicle from being moved or to direct its motion, including persons found alone, asleep, in a parked vehicle.

#### B. Motor Vehicle

- The law applies to any kind of motor vehicle including farm tractors, bulldozers, front-end loaders, mopeds, garden tractors and riding lawn mowers.

#### C. Under the Influence

- "Under the Influence" is defined in terms of impaired ability to drive safely. It is not synonymous with an "alcohol concentration" of 0.08 or more. On the contrary, an alcohol concentration of "more than 0.05 and less than 0.08" is relevant evidence of whether or not the person is under the influence of alcohol. In reality, most human beings are visibly impaired at alcohol concentrations well below 0.08. Accordingly, it cannot be assumed that it is "legal" to drive so long as one remains below the 0.08 line.

#### D. Criminal Penalties

- Generally, a first time offense is a misdemeanor, with a maximum sentence of 90 days in jail and a fine of \$700. If the person has a prior "impaired driving conviction" within the previous five years, or two or more prior "impaired driving convictions" within the previous ten years, the crime is a gross misdemeanor, raising the maximum sentence to a year in jail and a fine of \$3,000. "Impaired driving convictions" include adult convictions and juvenile adjudications.

#### E. Driver License Revocations

- First offense: not less than 30 days;
- Second offense in less than five years: not less than 90 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed. After second offense, subsequent offenses call for longer periods of revocations; and under certain circumstances the registration plates and registration certificates of all motor vehicles registered in the name of any person whose license is revoked may be impounded. Prior juvenile adjudications as a DWI violator count as prior "convictions" for purposes of revocations.

#### F. Implied Consent

- The Implied Consent statute provides that by driving a motor vehicle in this state, a person implicitly consents to submit to testing for intoxication. If testing is refused, you may be subject to criminal penalties, and your right to drive will be revoked for a minimum period of one year. If a test is taken and the results indicate that you are under the influence of alcohol or a controlled substance, you will be subject to criminal penalties, and your right to drive may be revoked for a minimum period of 90 days.

## Liquor Control Violations for Persons under the Age of 21 Years

### A. Consumption

- It is a misdemeanor for any liquor licensee (such as a bar or restaurant) to permit any person under the age of 21 to consume alcoholic beverages on the premises. It is a misdemeanor for any person under the age of 21 years to consume any

alcoholic beverages unless that person is in his parents'/guardians' home and with their permission.

### B. Purchasing

- It is a gross misdemeanor for any person to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age; except for the rights of parents/guardians as outlined under consumption.
- It is a misdemeanor for any person under the age of 21 years to purchase or attempt to purchase any alcoholic beverage.
- It is a gross misdemeanor for any person to induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or to lend or permit the use of a driver's license, permit, Minnesota identification card, or other form of identification, to a person under the age of 21 for the purpose of purchasing or attempting to purchase an alcoholic beverage.

### C. Possession

- It is a misdemeanor for any person under the age of 21 years to possess any alcoholic beverage with the intent to consume it at any place other than the household of person's parent or guardian.
- Mere possession at any place other than the home of the person's parent or guardian is prima facie evidence of an intent to consume.

### D. Entering Licensed Premises

- Persons under the age of 21 years may not enter any licensed premises for the purpose of purchasing, being served or delivered, any alcoholic beverage.

### E. Misrepresenting Age

- It is a misdemeanor for any person under the age of 21 years to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages.

### F. Proof of Age

- Proof of age must be established by a valid driver's license, Minnesota identification card or, in the case of a foreign national, by a valid passport.

### G. Driver License Suspensions for Illegal Purchase of Alcohol

- The Commissioner of Public Safety shall impose a 90-day suspension of driving privileges of any person (a) who is under the age of 21 years and is convicted of purchasing or attempting to purchase an alcoholic beverage if the person used a driver's license, permit, or Minnesota identification card in making the purchase or attempted purchase or (b) who lends a driver's license to someone under 21 to use to purchase alcoholic beverages.

### H. Zero Tolerance of Underage Drinking and Driving

- If a person under the age of 21 drinks ANY amount of alcohol and then drives, the violator will lose his or her driver's license (30 days for the first offense, six months for a second and subsequent offense). More than a restriction, the cost of license reinstatement is substantial. Minnesota Statute 169.121

## Social Host Liability

Anyone over 21 who knowingly serves alcohol to someone under 21 may be held civilly liable for any damages subsequently caused by the person under 21.

Social Host Ordinance (Sec. 239):

Holds an individual criminally responsible for hosting or allowing an event or gathering on private or public property where persons under 21 years of age possess or consume alcohol, regardless of who supplied the alcohol.

Penalty for Violating the Social Host Ordinance:

A violation of this ordinance is a misdemeanor, subject to a maximum penalty of:

- 90 days in jail and/or
- \$1,000 fine

First-time offenders of this ordinance are eligible for a diversion program:

- A panel discussion between students and neighbors
- \$150 fine and/or 16 hours of community service

## CONTROLLED SUBSTANCES CRIMES AND PENALTIES UNDER MINNESOTA LAW

A. The degrees of drug crimes in Minnesota and the sentencing limits for each degree as set by Minnesota legislature in 1989 and amended in 1990 are indicated below. The "guidelines" listed for each degree refer to the lengths of time that a person convicted of an offense at that