

### **18 U.S.C. § 924(c) – Committing a Violent Crime or a Serious Drug Offense with a Firearm:**

- If you commit a crime of violence or drug trafficking crime and possess a firearm during its commission, your sentence will be a minimum 5 years to life in prison.
- If you brandish the firearm, a minimum 7 years to life in prison.
- If you discharge or fire the firearm, a minimum 10 years to life in prison.
- If you use or display a sawed-off rifle or shotgun, a minimum 10 years to life in prison.
- If you use a machine gun or destructive device, or a firearm equipped with a silencer, a minimum 30 years to life.

***The 2<sup>nd</sup> time you are convicted of a violation of 18 U.S.C. 924 (c), you face not less than 25 years to life in prison in addition to any other sentence.***

**There is NO  
parole in the  
federal  
system.  
You serve  
the  
sentence  
you are  
given.**



## **Quick Reference Guide to Federal Gun And Drug Laws**



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## **GUNS**

### **People Who Cannot Possess a Firearm or Ammunition (18 U.S.C. § 922(g) and (n)):**

- People previously convicted of or indicted for a felony that has a possible punishment of a term of more than one year, regardless of whether they served time in jail or prison
- Anyone who is fugitive from any local, state, or federal court
- Any recent drug user or addict
- Anybody who has been determined by a court to have a mental defect or has been committed to a mental institution
- Illegal immigrants or aliens
- Anyone who has renounced United States citizenship
- Anyone under a court restraining order for domestic violence or who has been convicted of a domestic-violence misdemeanor

***Under federal law a single bullet, shotgun shell, or bullet casing is ammunition.***

***Potential punishment for any of the violations listed above: imprisonment up to 10 years, fines up to \$250,000***

## Armed Career Criminal (18 U.S.C. § 924(e)):

- If you have been convicted three times of a violent felony or any drug felony which carries a possible sentence of 10 years or more, regardless of how long ago you were convicted and regardless of whether you spent time in jail or prison, and you are then found in possession of a gun or ammunition, a federal court could determine you are an “armed career criminal.”
- A violent felony under federal law is determined to be burglary, arson, or any felony crimes more serious than this.

***Punishment for armed career criminals: minimum 15 years and up to life in prison, fines up to \$250,000, supervised release up to 5 years.***

## DRUGS

### **Manufacturing, Distributing, or Possessing With Intent to Distribute a Controlled Substance:**

(21 U.S.C. § 841(a)(1)) - It is a federal crime to manufacture, distribute, or possess with intent to distribute a controlled substance. This is the most frequently charged federal drug statute. Many drug prosecutions involve cocaine (crack and powder), methamphetamine, heroin, fentanyl, marijuana and prescription pills (oxcodone, hydrocodone, xanax, etc.).

If you are involved with the following amounts, you are facing these penalties:

Drug Penalty Chart			
Drug	841(b)(1)(A) <u>Minimum</u> 10 years to life*	841(b)(1)(B) <u>Minimum</u> 5 years to 40 years*	841(b)(1)(C) Up to 20 years*
Heroin	1 kilo or more	100 grams or more	less than 100 grams
Fentanyl	400 grams or more	40 grams or more	Less than 40 grams - <b>even a trace amount is a felony</b>
Cocaine (powder)	5 kilos or more	500 grams or more	less than 500 grams
Crack	280 grams or more	28 grams or more	less than 28 grams
Meth	50 grams or more (actual); 500 grams or more (mixture)	5 grams or more (actual); 50 grams or more (mixture)	less than 5 grams
Marijuana	1000 kilos or more	100 kilos or more	less than 100 kilos
Pills	N/A	N/A	any amount

\*Factors which increase the absolute least sentence and the maximum sentences:

#### **Prior Felony Drug Conviction -**

Minimum 10 years to Life offense doubles to minimum 20 years to Life.  
Minimum 5 to 40 year offense doubles to minimum 10 years to Life.  
Up to 20 year offense increases to up to 30 years.

#### **2 Prior Felony Drug Convictions -**

10 years to Life offense becomes **Mandatory Life Without the Possibility of Parole.**

**Drug Conspiracy:** (21 U.S.C. § 846) - An agreement between two or more persons to violate drug laws.  
**Penalty: Same as the chart.**

**Attempt:** (21 U.S.C. § 846) - Intent to commit a drug offense and taking a substantial step toward the commission of the crime. **Penalty: Same as the chart.**

**Maintaining Drug-Involved Premises:** (“crack house statute”) (21 U.S.C. § 856) - It is a federal crime to open, lease, rent, use, maintain, manage, or control a dwelling for the purpose of manufacturing, distributing, storing, or using any controlled substance (not just crack). **Penalty: Up to 20 years, and possible forfeiture of the house to the federal government.**

**Possessing Products or Equipment to be Used to Manufacture a Controlled Substance:** (21 U.S.C. § 843(a)(6)) - It is a federal crime to possess chemicals, materials, or equipment which can be used to manufacture a controlled substance knowing, or having reasonable cause to believe, that the items will be used to manufacture a controlled substance. (most commonly crack or methamphetamine). **Penalty: up to 10 years for methamphetamine / up to 4 years for other controlled substances. Penalties are doubled for offenders with a previous drug felony conviction.**

**Manufacturing, Distributing, or Possessing with Intent to Distribute Methamphetamine where Children are Present or Reside:** (21 U.S.C. § 860a) - Provides an increase in the punishment if children under the age of 18 are present or reside at location where methamphetamine is manufactured. **Penalty: up to 20 years consecutive to any other sentence imposed.**

**Asset Forfeiture:** (21 U.S.C. § 853) - Property (cash, personal property (including vehicles), and real estate) used to assist drug trafficking, as well as the proceeds of drug trafficking (income and assets), are forfeitable to the government under federal law.