

FEDERAL, STATE AND LOCAL LAWS

Acts Prohibited

Controlled substance/drug use (RSA 318-B:2): New Hampshire has criminal penalties for the use of controlled substances, or drugs, with penalties varying with the type of drug. In general, narcotic drugs, addictive drugs, and drugs with a high potential for abuse have heavier penalties. Controlled drugs include: marijuana, barbiturates, amphetamines, tranquilizers, Hallucinogens, opiates, cocaine, mescaline, psilocybin, D.M.T., narcotics, crack and all other drugs of a similar nature which are either outlawed outright or illegal when not prescribed by a Physician or used other than how specifically prescribed. Under state or Federal law, persons convicted of controlled drug possession are ineligible for Federal student grants and loans for up to one year after the first conviction, five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first conviction, 10 years after the second, and permanently after the third.

Controlled Substance/Drug Distribution

Under Federal law, distribution of controlled drugs in or within 1,000 feet of a University or school to persons under age 21 is punishable by twice the normal penalty with a mandatory one year in prison; a third conviction is punishable by mandatory life imprisonment. Federal law sets greatly heightened prison sentences for the manufacture and distribution of controlled drugs if death or serious injury results from use of the substance.

DWI (RSA 265:82)

Included among the penalties for the first conviction of driving under the influence of alcohol are a \$1000.00 fine and a loss of license for not less than 90 days. The legal BAC for those 21 and over is .08; New Hampshire has a very strict .02 BAC DWI law for any person under the age of 21 years; usual penalty may be up to a \$1000.00 fine, two years loss of license, and an alcohol education course.

Facilitating/Hosting an Underage Drinking Party (RSA 644:18)

An underage drinking party is any gathering of five or more where at least one person is illegally possessing alcohol. This is a misdemeanor that could carry a fine up to \$1,200 and a jail sentence up to one year.

Hazing - New Hampshire State Law

Hazing in all forms, is a violation of good order and personal liberty, and is prohibited. Effective on July 1, 1993, New Hampshire Law defines Student Hazing as: any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any acts, when:

1. Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and
2. Such act is a condition of initiation into, admission into, continued membership in, or association with any organization.

New Hampshire Law provides that a natural person is guilty of a Class B misdemeanor if such person:

1. Knowingly participates as an actor in any student hazing;
2. As a student, knowingly submits to hazing and fails to report such hazing to law enforcement or educational institution authorities or
3. Is present at or otherwise has direct knowledge of any student hazing and fails to report such hazing to law enforcement or educational institution authorities.

Furthermore, the law also requires that an educational institution or an organization at or in conjunction with an educational institution is guilty of a misdemeanor if it:

1. Knowingly permits or condones student hazing; or
2. Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; or
3. Fails to report to law enforcement authorities any hazing reported to it by others or of which it otherwise has knowledge.

Heroin

In presence of: New Hampshire makes it illegal to be in a place where heroin is kept and to be in the company of a person known to possess heroin. Sale and possession of drug paraphernalia is also illegal.

Minor in Possession of Alcohol (RSA 179:10)

New Hampshire law states that it is unlawful for any person under the age of 21 years to possess an alcoholic beverage. The usual penalty for first time violators is a \$150.00 fine (but the fine can be as high as \$500.00). Second offense violators are usually fined \$250.00 and are placed on probation. A mandatory procedure followed by local and state police is that any minor found possessing alcohol will be arrested.

Internal Possession

A person under the age of 21 is guilty of a violation if he or she is intoxicated (any amount of alcohol in system) due to consumption of an alcoholic beverage. \$250 minimum for the first offense, \$500 minimum for subsequent offenses, possible additional penalties such as the loss of New Hampshire State Drivers License even if the violation does not occur while operating a vehicle.

Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages (RSA 179:10-a): is punishable by a fine of \$2000.00 and/or a year in jail.

Occupancy Law (RSA 153:3)

Gatherings of 50 or more people in any building or tent are not permitted without a permit. This can result in a fine up to \$1,000.

Prohibited Sales

Sale or delivery of alcohol beverages to persons under 21 (RSA 179:5): New Hampshire law prohibits the sale or delivery of alcoholic beverages to persons under 21 with a fine of up to \$2000.00 and/or a year in jail.

Sexual Assault - New Hampshire State Law

The State of New Hampshire distinguishes between three (3) degrees of Sexual Assault:

RSA 632-A:2 AGGRAVATED FELONIOUS SEXUAL ASSAULT

1. A person is guilty of the felony of aggravated felonious sexual assault if the perpetrator engages in sexual penetration with another person under any of the following circumstances:
 - a. When the actor overcomes the victim through the actual application of physical violence or superior physical strength;
 - b. When the victim is physically helpless to resist;
 - c. When the actor coerces the victim to submit by threatening to use physical violence or superior physical strength on the victim, and the victim believes that the actor has the present ability to execute these threats;
 - d. When the actor coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim believes that the actor has the ability to execute these threats in the future;
 - e. When the victim submits under circumstances involving false imprisonment, kidnapping or extortion;
 - f. When the actor, without the prior knowledge or consent of victim, administers or has knowledge of another person administering to the victim any intoxicating substance that mentally incapacitates the victim;
 - g. When the actor provides therapy, medical treatment or examination of the victim in a manner or for purposes which are not professionally recognized as ethical or acceptable;
 - h. When, except as between legally married spouses, the victim is mentally defective and the actor knows or has reason to know that the victim is mentally defective;
 - i. When the actor through concealment or by the element of surprise is able to cause sexual penetration with the victim before the victim has an adequate chance to flee or resist;
 - j. When, except as between legally married spouses, the victim is thirteen (13) years of age or older and under sixteen (16) years of age and:
 - i. The actor is a member of the same household as the victim or
 - ii. The actor is related by blood or affinity to the victim.
 - k. When, except as between legally married spouses, the victim is thirteen (13) years of age or older and under eighteen (18) years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit or
 - i. When the victim is less than thirteen (13) years of age.

ii. A person is guilty of aggravated felonious sexual assault without penetration when the actor intentionally touches the genitalia of a person under the age of thirteen (13) under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.

RSA 632-A:3 FELONIOUS SEXUAL ASSAULT

2. A person is guilty of a class B felony:
 - a. When the actor subjects a person to sexual contact and causes serious personal injury to the victim under any of the circumstances named in RSA 632-A:2; or
 - b. When the actor engages in sexual penetration with a person other than his legal spouse who is thirteen (13) years of age or older and under sixteen (16) years of age; or
 - c. When the actor engages in sexual contact with a person other than his legal spouse who is under thirteen (13) years of age.

RSA 632-A:4 SEXUAL ASSAULT

3. A person is guilty of a misdemeanor if the actor subjects another person who is thirteen (13) years of age or older to sexual contact under any of the circumstances in RSA 632-A: 2.

Transporting Alcoholic Beverages (RSA 265:81-3 and RSA 265:81)

It is unlawful for any driver of a motor vehicle to transport, carry or possess any alcoholic beverage either open or with the original seal broken in the passenger area of the car. A penalty of up to \$1000 and loss of license can be expected for violation of this law.

Minor Transporting Alcoholic Beverages

It is unlawful for any driver, under the age of 21, except when accompanied by a parent, legal guardian or legal age spouse, to transport any liquor or beverage in any part of the vehicle. Violations may result in a 60 day suspension of license or right to drive.