DRUGS & THE LAW

Projekt „Prevence drogové kriminality v oblasti drog“ je realizován v rámci projektu Prevence drogové kriminality v příhraničí financovaného ministerstvem vnitra

The project “Drug Criminality Prevention” is realised within the project “Drug Criminality Prevention in Border Areas” financed by the Ministry of Interior.
INTRODUCTION: THE PURPOSE OF THE BROCHURE

The purpose of this brochure is to inform drug-users and non-users about the laws in force in the territory of the Czech Republic. Drugs are outside the law in the country. Strictly speaking, we would like to present several useful pieces of advice, which will keep you from becoming a criminal, as well as information about the negative effects and risks of drug use. You will also learn about the punishments for drivers who have been accused of using marihuana or other drugs and those who have drugs on them or deal them.

Do you take drugs? Then you are gambling with your health and risk becoming addicted. Do you have drugs on you? Do you deal or grow them? If so, you are acting illegally and might be punished for it. We respect everyone’s lifestyle, we respect the urge to try out an illegal substance and we have understanding even for those addicted to drugs. On the other hand, we definitely do not approve of it! We would like to warn you about all the risks that you are taking when coming into contact with drugs.

ILLEGAL DRUGS AND THE LEGISLATION OF THE CZECH REPUBLIC IN SHORT

Unauthorized production and other handling of narcotic and psychotropic substances and poisons

Do you cook pervitin? Do you sell it to your friends? Do you share marihuana or ecstasy with your friends at dance parties? You’d better not do it because you are committing the crime of unauthorized production and distribution of drugs, which is – if you are lucky - punishable by a fine but in the worst case scenario by five years in jail. You shall spend up to ten years in prison in case you commit such a crime as a member of an organised group, in relation to a child of below the age of fifteen or in case that you have been punished for drugs already. You’d better not risk it. At first sight it might seem as great fun. Music, dancing and drugs that will connect you with the others. However, in the end you will wake into a nightmare, in which your friend did not estimate the efficiency of the drug and collapsed. If you are the one who provided him with the drug, you are in trouble. You might be punished by 12 years of imprisonment for severe injury to health and up to 18 years if it results in death.

Possession of narcotic and psychotropic substances and poisons

Have you got more than 15 grams of marihuana or a hashish brick weighing more than 5 grams on you? Have you got any other illegal drug in quantity greater than small? Then even the fact that you have the drug for your own use will not help you. Forfeiture of
the thing is the least that can happen to you. A stay in prison for the term up to one year comes into play, too. In case that the quantity stipulated as small by the law is exceeded significantly, you might be sent to prison for up to five years. In case of other substances, such as pervitin, the punishments are even more severe. Even if you have the substance in quantity smaller than small, you are still punishable. In that case, the offence is punished by a fine up to 15 thousand CZK.

**Unauthorised cultivation of plants containing narcotic or psychotropic substances**

Do you grow cannabis plants in your greenhouse? If there are more than five of them, you are committing a criminal act, which is punishable at best by a fine or six months in the jail. Moreover, those who grow mushrooms containing psilocybin may be sent to prison for up to one year. How can one avoid that? Do not grow more than forty of them and be careful, if you exceed this amount significantly, you may expect a much more severe punishment, e.g. five years in prison.

**Production and possession of articles for the unauthorized production of narcotic and psychotropic substances and poisons**

You are committing a drug crime even if you have practically no finished drug on you. It is enough to have the means or ingredients used for producing drugs in greater amount. These are called precursors by the law and include for example medicals containing pseudoephedrine for producing pervitin such as: Paralen Plus, Modafen, Modafed, Cirrus, Claritine Active, Sudafed, etc. Such substances are sold in pharmacies in the CR on showing the ID card in the maximum amount of 900 milligrams of the active substance per person. So be careful! If you have a greater amount than this, you are committing a crime and can get in trouble with the law.

**Spreading of drug addiction**

Are you encouraging your friend at a party to have a “puff” of marihuana or have a “line” of something stronger? You are committing the crime of spreading of drug addiction, which is punishable by up to three years of prison. If you spread drugs as a member of an organised group, in relation to a child of below the age of fifteen or via media including the internet, Facebook and other social networks, you might be punished by imprisonment up to five years.
LIST OF SELECTED PSYCHOTROPIC AND NARCOTIC SUBSTANCES
Quantity greater than small for plants under the decree No. 455/2009 Coll.

Marihuana (Cannabis) – all kinds and species, which contain more than 0.3% of substances from the tetrahydrocannabinol group in the blooming or fructiferous cyme of cannabis plant including leaves (with the exception of seeds). The quantity greater than small is limited to more than 5 plants.

Mushrooms containing psilocybin a psilocin – various kinds of the so-called psilocybin or psychedelic mushrooms. The quantity greater than small is limited to more than 40 mushrooms independently of their size and quality.

Possession of small quantity of the above-stated and other narcotics, poisons and precursors

Possession of small quantity of drugs, poisons and precursors included on the banned substances list is assessed as an offence, which is dealt with at an administrative procedure. These offences are punishable by confiscation of the item of property or a fine up to 15,000 CZK. However, foreigner may also be punished by the prohibition to stay in territory of the CR.
DRUGS AND THEIR NEGATIVE EFFECTS

Drugs, i.e. narcotic and psychotropic substances, generally affect the biochemical brain processes and induce various distorted states of mind and perception of reality. It is exactly these states than can become very dangerous. Apart from the feeling of euphoria and bliss, drugs can often cause for example disorientation, paranoia, fallacious visions and hallucinations, distorted perception of space and time as well as anxiety and even the so-called toxic psychosis, which can drive people to suicide. All these states influence the drugged person’s behaviour and can result in many dangerous situations (car accidents, injuries, aggressiveness, dehydration, exhaustion of the organism, etc.).

The greatest risk connected with using drugs is overdosing by a high and life-threatening dose of the active substance. Moreover, combining various kinds of drugs as well as taking substances, whose effect is difficult to estimate, also poses a great risk. These activities may lead to life-threatening situations and even death.

DRUGS, ADDICTION AND UNDESIRABLE SOCIAL IMPACTS

Drug use is divided into several categories. Firstly, drugs are connected with occasional experimentation especially at informal social events (concerts, discos, parties, etc.). The dangers described in the previous paragraphs may come into play in the case of this type of drug use.

The second category comprises the so-called dangerous use of drugs. Strictly speaking, this means regular use, often several times per week. Apart from the dangers described above, such use can lead to long-term negative mental and physical effects, e.g.: decrease of the body’s immune system, kidney or liver failure, cardiac problems, inability to concentrate, irritableness, memory disorders, development of serious mental disturbances (paranoia, schizophrenia, etc.) and it can also result in developing an addiction.

The drug addiction itself brings a whole range of health, mental and social risks not only for the addicted person but also for their environment. In simple terms, it is a vicious circle of the need for the drug, getting the drug or the means to get it (which actions are often on the edge of the law) and the risky use. Apart from transmitting serious infectious diseases (HIV, hepatitis B, C, syphilis, etc.) caused by for example sharing used syringes or having unprotected sex, the addicts often find themselves unemployed, in debt, socially excluded and without money and home. At the same time, these people lose their normal social connections and the top of their value system is occupied by the drug, which is at the centre of the addict’s life. These people consequently commit, apart from other things, property-related or violent crimes, which are
punishable by imprisonment under the Criminal Code of the CR. In case of addiction, it is also very complicated to get out of this vicious cycle and return to normal life, which can take several years for one person while others might never succeed.

**DRUGS AND DRIVING**

The traffic **offence** "Driving a vehicle immediately after drinking alcohol or using other narcotic substance or driving in such a period of time after drinking alcohol or using other narcotic substance that the driver is still under their influence" is punishable by **7 points** within the point systems. This means that such an offense belongs among the most serious ones. It cannot be solved by a fine but an administrative procedure is opened with the driver, who can be punished by sanctions ranging between 2,500 and 20,000 CZK. The driver is also punished by **prohibition of driving** motor vehicles for 6 months to 1 year.

The **misdemeanour** “Driving in a state reducing mental capacity (alcohol and narcotic substances)” is punishable by **7 points** within the point system. It is always taken to the court. The criminal proceeding can result in imprisonment up to 3 years and a fine. The misdemeanour is also usually punishable by **prohibition of driving motor vehicles for 1-10 years**.

*The driver is exposed to retention of the driving licence (under law No. 361/2000 Coll., sec. 118b on road traffic) in the following cases, if he or she:*

- drives the vehicle under the influence of alcohol or other narcotic substances,
- refuses the policeman’s call to undergo the test revealing if he or she is influenced by alcohol
- refuses the policeman’s call, in case that the breath test was positive, to undergo a medical examination to reveal if he or she is influenced by alcohol,
- refuses the policeman’s call to undergo a medical examination to reveal if he or she is influenced by another narcotic substance.

**Driving motor vehicles under the influence of alcohol**

Although alcohol does not belong among illegal narcotic substances, there is practically zero tolerance for it when driving. This means that if the police breath test reveals a level of alcohol exceeding 0.3‰, it is an offence punishable by a fine ranging from 2,500 CZK to 20,000 CZK and prohibition of driving motor vehicles for a period from 6 to 12 months. If the level of alcohol exceeds 0.3‰, it means 7 points in the point system. If the alcohol level exceeds 1‰, it is a criminal act (misdemeanour), for which the driver can be punished by imprisonment for the term up to one year, a fine or prohibition of driving.
Driving motor vehicles under the influence of marihuana

Marihuana has a negative effect on the so-called cognitive functions of the brain. Although the person might have a feeling of being concentrated, it can lead to dissipation of concentration, when the driver focuses on an activity that distracts him from driving the vehicle. It thus prolongs the reaction time and the risk of a car accident rises significantly with unforeseen events on the road. The presence of THC in the saliva and urine is discoverable by police testers and medical examination up to one week since the last use. In case of a positive test, the driver can be punished by prohibition of activity, losing 7 points in the point system, prohibition of driving (see above), and it also means an offence or proceedings in front of the court based on the assessment of the current incapacity of the driver by the policeman and the degree of the so-called intoxication (current influence of the narcotic substance) by the doctor.

Driving motor vehicles under the influence of pervitin or amphetamines

Methamphetamine and amphetamines reduce the driver’s restraints and again alter his cognitive functions, especially the ability to estimate distance and speed. They also often cause erroneous assessment of the traffic situation and result in the compulsion to drive fast and dangerously, which puts the other participants of road traffic in danger. These substances negatively influence the driver’s concentration. The drivers under their influence might for example feel that they perceive the traffic situation at three distant intersections at the same time, but their concentration is dissipated and they are distracted from the current situation. The presence of amphetamines is again discoverable by police testers and the consequent medical examination up to three days after the last use of these substances. In case of a positive test, the driver can be punished by losing 7 points, prohibition of driving (see above) and proceedings in front of the court on the basis of the assessment of the current incapacity of the driver by the policeman and the degree of intoxication (current influence of the narcotic substance) by the doctor.
About us

The association Most k naději (MONA – “Bridge to Hope”) is a legal person founded in 1995 and registered by the Ministry of Interior of the CR. The organisation’s foundation itself was motivated by the worsening situation in the field of drug misuse and increase of HIV/AIDS infected people, socially excluded communities and locations, including the growth of social pathologies in the most affected parts of the North Bohemian Region. Currently, the MONA association is active in the Ústí nad Labem Region and the Liberec Region, where it runs a network of K-Centrums for drug users in Most, Žatec, Česká Lípa and Liberec and field programmes operating in the whole territory of the Liberec Region, Most, Bílina, Duchcov, Litvínov and other cities of the Ústí nad Labem Region. The services of the staff of the MONA association targeted at drug users include providing clean syringes, medical material, social consulting, intermediating addiction therapy and other services.

Apart from the services for drug users, the association MONA organises other projects, including the “Dům na půl cesty” (“House on the Half-Way”) in Liberec, “Linka duševní tísně” (“Psychic Anxiety Helpline”) or expert social consulting for the prison in Bělušice.
CONTACTS OF THE MONA ASSOCIATION

Drug criminality prevention in the field of drugs programme

Coordinator: Bc. Lenka Acs Holakovská, DiS., tel.: +420 725 457 260, e-mail: vedouci.atk2@mostknadeji.cz

Staff in the Liberec Region: Bc. Pavel Pech, tel.: +420 728 511 619, e-mail: vedouci.tp@mostknadeji.cz Alena Havelková, DiS., Jiří Stich, Ivona Vendégová, e-mail: tp.liberec@mostknadeji.cz

Staff in the Ústí nad Labem Region: Karel Fiala, Jan Šroub, e-mail: teren@mostknadeji.cz

K-Centrum Most P. Jilemnického 1929, 434 01 Most, tel.: +420 602 219 372, +420 476 102 288 e-mail: vedouci.kcm@mostknadeji.cz

K-Centrum Žatec Dvořákova 11, 438 01 Žatec;

K-Centrum Česká Lípa Hálkova 1794, 470 01 Česká Lípa; tel.: 487 831 545, 724 246 771 e-mail: kc.ceskalipa@mostknadeji.cz

K-Centrum Liberec Rumunská 5/a 460 01 Liberec; tel: 775 624 246, 482 713 002 e-mail: vedouci.kc@mostknadeji.cz

Psychic anxiety helpline – tel.: +420 476 701 444

Director of the MONA association Lubomír Šlapka, tel.: 602 338 092, e-mail: reditel@mostknadeji.cz

Web site:

www.mostknadeji.eu
USEFUL CONTACTS FOR FOREIGNERS

Centre for the support of the integration of foreigners in Liberec
Hanychovská 622, 460 10 Liberec; tel.: +420 482 313 064, +420 608 119 885; e-mail: icliberec@suz.cz; www.integracnicentra.cz

Centre for the support of the integration of foreigners from the third countries in the Ústí nad Labem Region
Supervised by: Counselling Centre for Integration, civic organisation
Contacts: www.centrumcizincu.cz
Velká Hradební 33, 400 21 Ústí nad Labem
tel.: +420 475 216 536

Foreign Police of the CR office
Regional Police Headquarters of the Liberec Region
Nám. Dr. E. Beneše 584/24
460 31 Liberec 1
Telephone: 974 461 829
Fax: 974 461 828

Regional Police Headquarters of the Ústí nad Labem Region
Office for the Most district
Address: Václava Řezáče 224, 434 75 Most
Telephone: 974 438 111
e-mail: mouo@mvcr.cz

British Embassy in Prague
Thunovská 14, 118 00, Prague 1
e-mail: ukinczechrepublic@fco.gov.uk
tel.: +420 257 40 2111

Embassy of the Russian Federation in the Czech Republic
Nám. Pod kaštany 1, 160 00, Prague 6
tel.: (+420) 233 374 100, 233 371 545
e-mail: embrus@bluetone.cz, embczech@rambler.ru

Embassy of Ukraine in the Czech Republic
Charlese de Gaulla 29, 160 00, Prague 6
tel.: + 420 222 995 100, + 420 227 020 200
e-mail: emb_cz@mfa.gov.ua
web: http://czechia.mfa.gov.ua
CONCLUSION

We hope you will find this information helpful. It is up to you whether you take our advice but we do not recommend playing with the law or with your health and the health of the people surrounding you.