

Drug Offences in the Dominican Republic

The following is a general and unofficial overview of the law governing drug offenses in the Dominican Republic. This document is not to be construed as legal advice. Specific questions about Dominican law should be directed to competent Dominican attorneys.

INTRODUCTION

Drug offenses are serious crimes in the Dominican Republic. If you are caught buying, selling, carrying or using drugs in the Dominican Republic, you could be subject to a mandatory term in a Dominican prison. The police and customs officials have a right to search your belongings for drugs. If they find drugs in your belongings, you will suffer the consequences.

As in any case when someone is charged with a crime, obtaining competent legal representation is indispensable. Although the Consular Section can provide a list of local attorneys to arrested Americans, the Consular Section cannot recommend a particular attorney. Accordingly, a defendant should exercise great care in the selection of one's attorney.

LAW IN EFFECT (GENERAL)

On May 30, 1988, the Dominican Congress approved Law 50-88 dealing with Narcotic Drugs. It has been diligently enforced since its passage. Under this law, the possession of any quantity of marijuana, cocaine, hallucinogens, barbiturates, amphetamines or other narcotic drugs is a punishable offense. Each offender is categorized according to the quantity of the drugs found in his/her possession and must stand trial in a "Court of First Instance." The judicial process may last up to several years. During this pre-trial period, a defendant would remain incarcerated in most cases.

The severity of this law was intended to keep the country safe from criminal activities commonly associated with the trafficking, cultivation and manufacture of narcotic drugs. Due to its strategic location between South America and the United States, the Dominican Republic has empowered the police and military forces to undertake vigorous efforts to combat the threat from narcotic drugs. The law was enacted to prevent the Dominican Republic from becoming a major transit point in the criminal trade of drugs. Anyone entering the Dominican Republic, regardless of nationality, is subject to the provisions of Law 50-88. Accordingly, U.S. citizens in the Dominican Republic are subject to punishment under the strict anti-drug measures.

PENALTIES

A person apprehended in Santo Domingo for a drug-related offense is generally detained at the Dirección Nacional de Control de Drogas (DNCD). The prisoner is entitled to legal counsel and a phone call. The An American citizen prisoner may also request access to an American consular officer. The anti-drug law includes a provision for release on bond, bail or parole. Suspects may not be detained longer than the 48-hour period for investigation without being presented before a judge (Juez de Instrucción). The DNCD and the prosecutors assigned to the DNCD determine preliminary charges based upon the quantity of drugs.

Offenders are grouped into one of four legal categories depending on the amount of drugs allegedly found in their possession. Penalties correspond to each of the four categories and are currently fixed as follows:

CATEGORIES AND PENALTIES

MARIJUANA

CATEGORY ONE: Simple Possession. Defined as possession of 20 grams or less.

CATEGORY TWO: Distributor, Vendor. Defined as possession of more than 20 grams and less than 1 (one) pound.

CATEGORY THREE: Trafficker. Defined as possession of 1 (one) pound or more.

HASHISH

CATEGORY ONE: Simple Possession. Defined as possession of 5 grams or less.

CATEGORY TWO: Distributor, Vendor. Defined as possession of more than 5 grams and less than ¼ pound.

CATEGORY THREE: Trafficker. Defined as possession of ¼ pound or more.

COCAINE:

CATEGORY ONE: Simple Possession. Defined as possession of 1 gram or less.

CATEGORY TWO: Distributor, Vendor. Defined as possession of more than 1 gram and less than 5 grams.

CATEGORY THREE: Trafficker. Defined as possession of 5 grams or more.

ECSTASY*

CATEGORY ONE: Simple Possession. Defined as possession of 1 gram or less.

CATEGORY TWO: Distributor, Vendor. Defined as possession of more than 1 gram and less than 5 grams.

CATEGORY THREE: Trafficker. Defined as possession of 5 grams or more.

* Even though Ecstasy is not mentioned in the law, Dominican authorities are placing it in the same category as Cocaine.

When LSD, Opium and its derivatives, or any other hallucinogenic substance is involved, in any quantity, the person or persons processed will be classified as TRAFFICKERS.

SUPPLIERS, PATRONIZERS OR FINANCIERS (CATEGORY FOUR): Applicable to persons who finance illegal trafficking operations, intellectually directs these operations, and/or supplies the transportation equipment or disposes of any method which facilitates the illegal operation.

PENALTIES

CATEGORY ONE: Simple Possession.

Minimum: 6 months in prison and a fine of RD\$1,500.

Maximum: 2 years in prison and a fine of RD\$2,500.

CATEGORY TWO: Distributor, Vender.

Minimum: 3 years in prison and a fine of RD\$10,000.

Maximum: 10 years in prison and RD\$50,000 fine.

CATEGORY THREE: Trafficker.

Minimum: 5 years in prison and a fine of more than RD\$50,000.

Maximum: 20 years in prison and a fine of more than RD\$50,000.

Traffickers must pay a fine of no lesser value than the value of the seized controlled drugs or involvement in the operation, but in no instance less than RD\$50,000.

CATEGORY FOUR: Suppliers, Patronizers and Financiers.

Suppliers, patronizers and financiers will be sanctioned with imprisonment of thirty (30) years and a fine of no lesser value than the value of the seized controlled drugs or involvement in the operation, but in no instance less than RD\$1,000,000.

Within the parameters of each category of penalty, the judge that presides at the trial and questions the defendant determines the exact sentence.

ACCOMPLICES

In the case of Simple Possession, persons who are deemed accomplices will be sanctioned with the same penalties imposed on the principal offender. In all other cases, accomplices will be sanctioned with the category of penalty immediately inferior to that of the principal person(s) charged.

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