



Expat Counsel

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CRIMINAL LAW IN THAILAND

Part LXXIV:

Drugs

For the next part of our coverage of criminal issues in Thailand we will examine the rules and practicalities relating to illegal drugs. First, a little background. The Narcotics Control Act (1976) establishes the Narcotics Control Board, chaired by the prime minister, which sets and suggests policy on illegal drugs to the government. The same law also establishes the Office of the Narcotics Control Board, part of the Ministry of Justice, which executes the board's directions and coordinates with other government agencies with responsibilities for drug enforcement, for example, the police and the customs service. Officers of the Office of the Narcotics Control board have authority to enforce the drug laws, too, as will be discussed later.

The Narcotics Act (1979), as amended, contains the nuts and bolts of the classes of illegal drugs, the crimes relating to them and the penalties for committing these crimes. The act breaks down illegal drugs into five categories. It's important to know these, because the rules and penalties are different for each. They are:

- Category I: The most dangerous drugs such as heroin, methamphetamine (ice), *ya ba* and ecstasy.
- Category II: Ordinary illegal drugs such as morphine, medicinal opium, cocaine and codeine.
- Category III: Certain medicinal formulas that contain some of the drugs in category II. An example of these would be codeine cough syrup.
- Category IV: Chemicals used to produce the drugs in categories I and II, such as acetic anhydride and acetyl chloride.
- Category V: Illegal drugs not otherwise included in the categories above, most notably marijuana.

In general, if you're arrested for illegal drugs in Thailand, the potential penalty depends on a few factors. First, in which of the above categories does the drug for which you've been arrested fall? Second, what were you doing with the drug? Selling it? Producing it? Just possessing it? Or bringing it over an international border? Third, how much of the drug did you have with you on arrest?

Obviously, the amounts triggering various levels of penalty are different from drug to drug. For example, someone in possession of .75mg or more of LSD is presumed to be selling it, whereas the same assumption is made only if the person is in possession of 3g of pure heroin. Here's a term in the act that's important to understand.

In the act, "to dispose" means to sell, distribute, give away indiscriminately, exchange or give. In the eyes of the law, you're likely to be punished equally if you're in possession of illegal drugs, for example, to sell them or to give them out free at a party.

So in the paragraph above, where we said "selling" it would have been more accurate if we'd said "disposing". Next week we'll talk more about specific drug crimes and their penalties. ■

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