

# the RED CUP Q&A

separating alcohol fact from fiction

wildfact

97% of UA students didn't get an MIP last school year. (2016 Health & Wellness Survey, n=3,113)

## I'm from out-of-state and heard AZ laws are strict. Is that true?

Red Cup can't answer for all AZ laws but some of our alcohol and drug laws are different from other states.

Let's look at alcohol; AZ law says your "body is a container" so you can be cited for Minor in Possession (MIP) if you consume alcohol under the age of 21 and literally have it in your system. Students often don't realize they are being arrested when given an MIP citation by UAPD. You can avoid a conviction on your record if you complete diversion either through the court or UA Dean of Students Office. Also, you can get a DUI if your BAC (Blood Alcohol Content) is below a .08.

Another often unknown fact is that AZ is a non-expungement state meaning you can't get rid of your criminal record, but keep in mind there is a difference between an arrest and a conviction. This is important when filling out job and school applications or applying for work-related licenses. You might ask what constitutes a criminal record. Student Legal Services identifies the following student-related examples:

- MIP (if you don't complete diversion)
- DUI (most cases)

- Fake ID
- Shoplifting
- Marijuana possession
- Caught with prescription drugs not prescribed to you
- Criminal speeding (excessive speed above posted limit)

What can you do? You can apply for a "set aside" but it doesn't delete your record, though can mitigate it. How does this work? Student Legal Services says if you fulfill all the conditions of your sentence and are discharged by the court, you may apply to have your judgment of guilt set aside. If your application is accepted, the judge will sign an order to set aside your conviction or dismiss you of guilt.

If all of this seems confusing, you can talk to a lawyer available to you through Student Legal Services located on the 3rd floor in the Student Union Memorial Center. They can't represent you in court but they can advise you. It's also FREE! Hopefully you don't need this service, but if so, contact them at [legal.asua.arizona.edu](mailto:legal.asua.arizona.edu). They're really nice and can help reduce your stress about that citation.

Got a question about alcohol? Email it to [redcup@email.arizona.edu](mailto:redcup@email.arizona.edu)



[www.health.arizona.edu](http://www.health.arizona.edu)



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