

Delaware Marijuana Penalties

 mandatory  drugged driving

		Incarceration	Fine
Possession			
Any amount	misdemeanor	6 months	\$1,150
Within 1,000 feet of a school	felony	15 years	\$250,000
Within 300 feet of a church, park or rec. center	felony	15 years	\$250,000
Cultivation or Sale			
Any amount	felony	5 years	\$1,000 - \$10,000
5 - 100 lbs	felony	2 years MMS*	\$25,000
100 - 500 lbs	felony	4 years MMS*	\$50,000
500 lbs or more	felony	8 years MMS*	\$100,000
*Mandatory minimum sentence			
Sale to minor			
To person under 21	felony	5 years	\$1,000 - \$10,000
To person under 16	felony	6 months MMS*	\$1,000 - \$10,000
To person under 14	felony	1 year MMS*	\$1,000 - \$10,000
Purchase from minor under 18	felony	5 years	none
Purchase from minor under 16	felony	6 months MMS* - 5 years	none
Purchase from minor under 14	felony	1 year MMS* - 5 years	none
*Mandatory minimum sentence			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession	misdemeanor	1 year	\$2,300
Paraphernalia sale	felony	1 years	
Paraphernalia sale or delivery to minor	felony	5 years	
Details			
<p>Possession of any amount of marijuana is a misdemeanor, punishable by up to six months in jail and a fine of \$1,150. If the possession or sale of marijuana occurs within 1000 feet of a school the penalty can be up to 15 years in prison and a fine of up to \$250,000, and if it occurs within 300 feet of a church, park or recreation area the penalty can be up to 15 years in prison and a fine of up to \$250,000.</p> <p>Manufacture or delivery of marijuana in any amount is a felony, punishable by up to five years in prison and a fine of \$10,000. If the sale of marijuana is made to a person under the age of 21, the punishment can be up to five years in prison. If the person is under 16 years of age, there is a mandatory minimum sentence of six months imposed. If the person is under 14 years of age, there is a mandatory one year minimum sentence imposed.</p> <p>If marijuana is purchased from a minor under 21 years old, the sentence can be up to five years in prison. If purchased from a minor under 16 years old, there is a six month mandatory minimum sentence imposed, with a maximum sentence of five years. If marijuana is purchased from a minor under 14 years old, a mandatory</p>			


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minimum sentence of one year and no more than 5 years will be imposed.

It is a felony to traffic in marijuana and all violations have mandatory minimum sentences. For greater than five pounds, the minimum sentence is two years and a fine of \$25,000. For 100 pounds or more, the minimum sentence is four years and a fine of \$50,000. For 500 pounds or more, the minimum sentence is eight years and a fine of \$100,000.

The use or possession of paraphernalia is a misdemeanor punishable by up to one year in jail and a fine of up to \$2,300. The sale of paraphernalia is a felony punishable by up to two years in prison. Sale or delivery of paraphernalia to a minor is punishable by up to five years in prison.

 **Mandatory minimum sentence:** When someone is convicted of an offense punishable by a mandatory minimum sentence, the judge must sentence the defendant to the mandatory minimum sentence or to a higher sentence. The judge has no power to sentence the defendant to less time than the mandatory minimum. A prisoner serving an MMS for a federal offense and for most state offenses will not be eligible for parole. Even peaceful marijuana smokers sentenced to "life MMS" must serve a life sentence with no chance of parole.

 **Drugged driving:** This state has a per se drugged driving law enacted. In their strictest form, these laws forbid drivers from operating a motor vehicle if they have any detectable level of an illicit drug or drug metabolite (i.e., compounds produced from chemical changes of a drug in the body, but not necessarily psychoactive themselves) present in their bodily fluids above a specific threshold. For more information, see state DUID laws. http://norml.org/index.cfm?Group_ID=6669

Also see Federal Laws http://norml.org/index.cfm?Group_ID=4575

About this Report

NORML's State Guide to Marijuana Penalties outlines most penalties for prohibited marijuana conduct in the 50 states, the District of Columbia, and under federal law. To view the list of prohibited conduct and penalties, click the map icon to the left to find your jurisdiction.

Marijuana laws and penalties change rapidly and are enforced and interpreted differently even in the same legal jurisdiction. Please consult a criminal defense lawyer if you have been busted or if you want to know how a particular conduct might be punished. If you spot an error or have information that should be included in NORML's State Guide to Marijuana Penalties, please inform the NORML Foundation (foundation@norml.org).

Please note:

- The guide does not list penalties for every marijuana offense nor every enhanced sentence such as possessing marijuana near a school, involving a minor, and automatic driver's or professional license suspension. Your state may require an enhanced sentence even if the enhancement is not in the guide.
- Unless otherwise specified, please assume that listed penalties apply only to first convictions. Prior convictions often place a defendant in a higher penalty range, and convictions while on probation for a previous offense may result in revocation of probation.
- Except where indicated otherwise, a listed fine is the maximum fine for the conviction and the minimum fine is zero.
- "Possession" usually means "possessing marijuana only for personal use". If the government accuses you of possessing marijuana for other reasons, the accompanying penalties will probably exceed

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those for possessing marijuana for personal use. Possessing large amounts of marijuana frequently results in more serious charges of "possession with intent to distribute", "trafficking", and/or "sale".

- Many factors contribute to a defendant's sentence. Factors include level of involvement in the prohibited conduct, location, age, presence or absence of minors, use or presence of weapons, conduct for which a person has been acquitted, and many other things.
- If you are in trouble, please know your rights and hire an attorney.

Warning: The information contained in this report is for informational purposes only. Individuals are encouraged to confirm their state's laws before engaging in any particular behavior, or before going to court without a lawyer.

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Metric units to United States units of measurements:
One ounce (oz.) = 28.35 grams
One pound (lb.) = 16 ounces = 453.59 grams
One kilogram (kg.) = 1,000 grams (g) = 2.2 pounds (lbs.)