

Georgia Marijuana Penalties

 conditional  mandatory  drugged driving  tax stamps

		Incarceration	Fine
Possession			
Less than 1 oz (first offense)	misdemeanor	probation*	none
Less than 1 oz (subsequent offense)	misdemeanor	1 year	\$1,000
1 oz or more	felony	1 - 10 years	variable
Within 1,000 feet of school, or other specified areas (first offense)	felony	20 years	\$20,000
Within 1,000 feet of school, or other specified areas (subsequent offense)	felony	5 years MMS**	\$40,000
Use of communication equipment	felony	1 - 4 years***	\$30,000
*Charge dismissed upon completion of probation. **Mandatory minimum sentence. ***This sentence runs consecutive to other sentences.			
Sale or Cultivation or Trafficking			
10 lbs or less	felony	1 - 10 years	none
10 to 2,000 lbs	felony	5 years MMS**	\$100,000
2,000 to 10,000 lbs	felony	7 years MMS**	\$250,000
10,000 lbs or more	felony	15 years MMS**	\$1,000,000
Use of communication equipment	felony	1 - 4 years***	\$30,000
Hire, solicit, engage services of a minor	felony	5 years MMS**	\$20,000
Mandatory minimum sentence. *This sentence runs consecutive to other sentences.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Any conviction (first offense) causes minimum 6 months driver's license suspension.^ Any conviction (second offense) causes minimum 1 year driver's license suspension. Any conviction (third offense) causes minimum 2 years driver's license suspension. Any conviction may also cause suspension of professional license.			
^Reinstated upon completion of a drug use program.			
Details			
Possession of less than one ounce of marijuana is a misdemeanor and can be punished by up to one year in jail and a fine of up to \$1,000. However, upon a first drug conviction the offender may be placed on probation, and upon successful completion the proceedings against him may be discharged. Possession of one ounce or more is a felony and is punishable by 1 - 10 years in prison.			
Any cultivation, manufacture or distribution is a felony, punishable by 1 - 10 years in prison.			
Any possession, manufacture or distribution of greater than 50 pounds is considered trafficking and all trafficking offenses carry mandatory minimum sentences. For amounts greater than 50 pound but less than 2,000 pounds, the sentence is a minimum of 5 years in prison and a \$100,000 fine. For 2,000 pounds to less than 10,000 pounds, the minimum sentence is 7 years in prison and a fine of \$250,000. For 10,000 pounds or			

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more, the minimum sentence is 15 years and a \$1,000,000 fine.


The use of any communication facility, such as a telephone or radio, during any drug felony may add 1 - 4 years to the sentence and a fine of \$30,000.


Distribution or possession within 1,000 feet of any school, park, playground, recreational center or drug free commercial zone is punishable by up to 20 years in prison and a fine of up to \$20,000, for the first conviction. A second conviction is punishable by 5 - 40 years in prison and a fine of up to \$40,000.


Upon a first conviction of a drug offense, the offender's driver's license is suspended for at least six months and will be reinstated only upon completion of a drug use program. For a second conviction the suspension will be at least one year and for a third conviction the suspension will be at least two years.

Professional licenses can also be suspended upon a drug conviction.

 **Conditional release:** The state allows conditional release or alternative or diversion sentencing for people facing their first prosecutions. Usually, conditional release lets a person opt for probation rather than trial. After successfully completing probation, the individual's criminal record does not reflect the charge.

 **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

 **Marijuana tax stamps:** This state has a marijuana tax stamp law enacted. This law mandates that those who possess marijuana are legally required to purchase and affix state-issued stamps onto his or her contraband. Failure to do so may result in a fine and/or criminal sanction. For more information, see NORML's report Marijuana Tax Stamp Laws And Penalties. http://www.norml.org/index.cfm?Group_ID=6670

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).

The National Organization for the Reform of Marijuana Laws (www.norml.org)

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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 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.)