

Idaho Marijuana Penalties

■ tax stamps

| | | Incarceration | Fine |
|---|-------------|----------------|---------------------|
| Possession | | | |
| Under the influence or use in public | misdemeanor | 6 months | \$1,000 |
| 3 oz or less | misdemeanor | 1 year | \$1,000 |
| More than 3 oz | felony | 5 years | \$10,000 |
| Sale or Cultivation | | | |
| Less than 1 lb (24 plants) | felony | 5 years | \$15,000 |
| 1 to 5 lbs (25 - 49 plants) | felony | 1 year MMS* | \$5,000 - \$50,000 |
| 5 to 25 lbs (50 - 99 plants) | felony | 3 years MMS* | \$10,000 - \$50,000 |
| More than 25 lbs (100 or more plants) | felony | 5 years MMS* | \$15,000 - \$50,000 |
| Sale to minor 3 years younger than seller | felony | double penalty | double penalty |
| Sale where minors present | felony | 5 years | \$5,000 |
| *Mandatory minimum sentence | | | |
| Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...) | | | |
| Present where knowledge of drug activity occurs | misdemeanor | 90 days | \$300 |
| Paraphernalia possession | misdemeanor | 1 year | \$1,000 |
| Paraphernalia sale or manufacture | felony | 9 years | \$30,000 |
| Any second offense can double penalty. | | | |
| Details | | | |
| It is a crime to be under the influence of marijuana in a public place or to use marijuana in a public place, punishable by up to six months in jail and a fine of up to \$1,000. | | | |
| The penalty for possession of three ounces or less of marijuana is up to one year in jail and a fine of up to \$1,000. Possession of greater than three ounces is a felony and punishable by up to 5 years in prison and a fine of up to \$10,000. | | | |
| The penalty for cultivation, sale or distribution of less than one pound (or less than 25 plants) is a prison term of up to five years and a fine of up to \$15,000. Cultivation, sale or distribution of amounts greater than one pound are all subject to mandatory minimum sentences. The maximum possible punishment for any cultivation, sale or delivery is 15 years in prison and a fine of up to \$50,000. For amounts of one pound or more (or more than 24 plants) the punishment is a mandatory minimum sentence of one year in prison and a fine of not less than \$5,000. Cultivation, sale or distribution of five pounds or more (or more than 49 plants) is punishable by a mandatory minimum prison term of three years and a fine of not less than \$10,000. For amounts of 25 pounds or more (or more than 99 plants) the punishment is a mandatory minimum sentence of five years in prison and a fine of not less than \$15,000. | | | |
| Any sale to a minor, at least three years younger than the seller, doubles the possible prison sentence. Any sale on premises where minors are present is punishable by up to five years in prison and a fine of up to \$5,000. | | | |


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It is also a crime to be present in a place where the person knows that there is illegal drug activity taking place and is punishable by up to 90 days in jail and a fine of up to \$300.

Possession of paraphernalia is punishable by up to one year in jail and a fine of up to \$1,000. Sale or manufacture of paraphernalia is punishable by up to nine years in prison and a fine of up to \$30,000.

Any second conviction for a drug offense can double the possible penalties.

 **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).

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.

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

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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.) |