



Working to Reform Marijuana Laws

Massachusetts Marijuana Penalties

conditional decriminalized mandatory tax stamps

| | | Incarceration | Fine |
|---|---|---|---|
| Possession | | | |
| One ounce or less* | civil offense | none | \$100 |
| More than one ounce (first offense) | misdemeanor | 6 months** | \$500 |
| More than one ounce (subsequent offense) | misdemeanor | 6 months*** | \$500 |
| *Offenders under 18 will be required to attend a drug awareness program or pay a \$1,000 fine. **Probation with records sealed upon completion of probation. ***Probation possible. | | | |
| Sale or Cultivation | | | |
| Less than 50 lbs (first offense) | misdemeanor | 2 years*** | \$5,000 |
| Less than 50 lbs (subsequent offense) | misdemeanor | 1 – 2.5 years | \$1,000 - \$10,000 |
| 50 to 100 lbs | felony | 1 year MMS**** up to 2.5 - 15 years | \$500 - \$10,000 |
| 100 to 2,000 lbs | felony | 3 years MMS**** up to 15 years | \$2,500 - \$25,000 |
| 2,000 to 10,000 lbs | felony | 5 years MMS**** up to 15 years | \$5,000 - \$50,000 |
| More than 10,000 lbs | felony | 10 years MMS**** up to 15 years | \$20,000 - \$200,000 |
| Within 1,000 feet of school/100 feet of a park | felony | additional 2 years MMS**** up to 15 years | \$1,000 - \$10,000 |
| ***Probation possible. ****Mandatory minimum sentence. | | | |
| Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...) | | | |
| Paraphernalia possessing with intent to sell, selling, manufacture with intent to sell | misdemeanor | 1 - 2 years | \$500 - \$5,000 |
| Paraphernalia sale to a minor | felony | 3 - 5 years | \$1,000 - \$5,000 |
| Operating under influence (first offense) | misdemeanor | up to 2.5 years | \$500 - \$5,000, plus additional fees and assessments |
| License suspensions | Automatically by Registry of Motor Vehicles | 1 – 5 years for any marijuana crime if guilty | |
| -Paraphernalia possession is not a crime, although paraphernalia remains subject to seizure and forfeiture. | | | |
| Details | | | |

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Possession of one ounce or less of marijuana is a civil offense, subject to a \$100 fine like a traffic ticket. Offenders under 18 are required to attend a drug awareness program or pay a \$1000 fine. Possession of more than one ounce of marijuana is punishable by up to six months in jail and a fine of up to \$500. For first time offenders, the court will sentence the offender to probation and upon successful completion of the probation period, the offender's record will be sealed. For subsequent offenses, probation may still be possible.


Question 2
An Act Establishing a Sensible State Marihuana Policy passed by 65% in 2008


Cultivation, possession with intent to sell, delivery or sale of less than 50 pounds of marijuana is punishable by up to two years in jail and a fine of up to \$5,000. For 50 pounds or more, the penalty increases to a mandatory minimum of one year in prison and a possible range of 2.5 - 15 years in prison and a fine of \$500 - \$10,000. For cultivation or sale of 100 pounds or more the mandatory minimum sentence is three years and up to 15 years in prison, along with a fine of \$2,500 - \$25,000. For 2,000 pounds or more, the penalties increase to a mandatory minimum 5-year sentence up to 15 years in prison and a fine of \$5,000 - \$50,000. For any amount of 10,000 pounds or more, the mandatory minimum sentence is 10 years with up to 15 years in prison possible and a fine of \$20,000 - \$200,000.


Sale of marijuana within 1,000 feet of a school or 100 feet of a park adds another 2-year mandatory minimum sentence for sale and can go as high as an additional 15 years in prison and a fine of \$1,000 - \$10,000.

The possession with intent to sell, sale or manufacture of paraphernalia is punishable by 1 - 2 years in jail and a fine of \$500 - \$5,000, unless the sale was to a minor, in which case the penalty is 3 - 5 years in prison and a fine of \$1,000 - \$5,000. Government must prove defendant knew, or reasonably should know, that object held for sale, sold, or manufactured will be used to violate of Massachusetts Controlled Substances Act. The school zone/park mandatory minimum also applies.

 **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.

 **Decriminalization:** The state has decriminalized marijuana to some degree. Typically, decriminalization means no prison time or criminal record for first-time possession of a small amount for personal consumption. The conduct is treated like a minor traffic violation.

 **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

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

NORML

Working to Reform Marijuana Laws

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.

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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.)