

Montana Marijuana Penalties

🔒 conditional
🚫 mandatory
🏥 medical
🌿 hemp


		Incarceration	Fine
Possession			
60 g or less (first offense)	misdemeanor	6 months	\$100 - \$500
60 g or less (subsequent offense)	felony	3 years	\$1,000
More than 60 g	felony	20 years	\$50,000
Cultivation			
1 lb or less	felony	10 years	\$50,000
More than 1 lb (or more than 30 plants)	felony	2 year MMS* - life	\$50,000
Subsequent offenses	felony	double penalty	double penalty
*Mandatory minimum sentence.			
Sale			
Any amount	felony	1 year - life	\$50,000
To a minor	felony	additional 2 years - life	\$50,000
Within 1,000 feet of school**	felony	additional 3 years - life	\$50,000
** That the person did not know the distance to a school may not be brought as a defense in court. An affirmative defense may be raised if the conduct took place entirely within a private residence, and that no person under 17 years of age was present in the private residence at any time during the commission of the offense.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession or sale	misdemeanor	6 months	\$500
Any conviction requires dangerous drug information course. Possible alternative sentencing instead of incarceration.			
Details			
Possession of 60 grams or less of marijuana is a misdemeanor, punishable by up to six months in jail and a fine of \$100 - \$500 for the first conviction. For subsequent convictions the penalties increase to up to three years in prison and a fine up to \$1,000. Possession of greater than 60 grams carries a sentence of up to 20 years in prison and a fine up to \$50,000.			
Production or manufacture of one pound or less of marijuana is punishable by up to 10 years in jail and a fine up to \$50,000. For amounts greater than one pound or more than 30 plants, the penalty includes a two-year mandatory minimum sentence to life in prison and a fine up to \$50,000. Subsequent convictions can double the possible sentence.			
Sale or distribution of marijuana carries a penalty of 1 year - life in prison and a fine up to \$50,000. Sale to a minor carries an additional penalty of 2 years - life in prison and a fine up to \$50,000. Any sale within 1,000 feet of a school also adds an additional 3 years - life in prison and a fine up to \$50,000.			
All dangerous drug convictions require the offender to attend a dangerous drug information course. There is also the possibility of alternative sentencing such as fines, drug treatment, community service or probation if			


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the court feels that incarceration is not warranted.

The penalty for possession or sale of paraphernalia is up to six months in jail and a fine up to \$500.

 **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.

 **Medical marijuana:** This state has medical marijuana laws enacted. Modern research suggests that cannabis is a valuable aid in the treatment of a wide range of clinical applications. These include pain relief, nausea, spasticity, glaucoma, and movement disorders. Marijuana is also a powerful appetite stimulant and emerging research suggests that marijuana's medicinal properties may protect the body against some types of malignant tumors, and are neuroprotective. For more information see NORML's Medical Marijuana section. http://norml.org/index.cfm?Group_ID=3376

 **Hemp:** This state has an active hemp industry or has authorized research. Hemp is a distinct variety of the plant species *cannabis sativa L.* that contains minimal (less than 1%) amounts of tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana. Various parts of the plant can be utilized in the making of textiles, paper, paints, clothing, plastics, cosmetics, foodstuffs, insulation, animal feed, and other products. For more information see NORML's Industrial Use section. http://norml.org/index.cfm?Group_ID=3377

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.

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- 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.)