

North Carolina Marijuana Penalties

 conditional
  decriminalized
  hemp
  drugged driving
  tax stamps


		Incarceration	Fine
Possession			
1/2 oz or less	misdemeanor	30 days*	\$200
1/2 to 1 1/2 oz	misdemeanor	1 - 120 days**	\$500
More than 1 1/2 oz	felony	up to 12 months	Discretionary Fine
*Suspended sentence mandatory.			
**Community service or probation possible. 45 maximum for those with a clear record.			
Sale or Cultivation			
Less than 5 g with no remuneration (assumes first offense for sentencing guidelines)	see Possession		
Up to 10 lbs	felony	up to 12 months	not more than \$5,000
10 to 50 lbs	felony	25 months and up to 30 months MMS***	not more than \$5,000
50 to 2000 lbs	felony	35 months and up to 42 months MMS***	not more than \$25,000
2000 to 10,000 lbs	felony	70 months and up to 84 months MMS***	not more than \$50,000
10,000 lbs or more	felony	179 months and up to 219 months MMS***	not more than \$200,000
Within 300 feet of school zone	felony	increased penalty	increased penalty
Sale to a minor if seller is over age 21 or sale to a pregnant woman	felony	increased penalty	increased penalty
***Mandatory minimum sentence.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession	misdemeanor	6 months	variable
Details			
<p>Possession of one half ounce or less is punishable by up to 30 days in jail, most likely suspended. Possession of greater than one half ounce is punishable by 1 - 120 days in jail, with a possibility of community service or probation in lieu of jail. Possession greater than 1.5 ounces increases the penalties to up to 12 months in jail.</p> <p>Manufacture, Cultivation, sale or delivery of less than five grams, for no remuneration (payment, barter, or exchange of any kind) is considered possession and not sale. For amounts of ten pounds or less, the penalty is up to 12 months in jail.</p> <p>Penalties for sale, delivery or manufacture are increased if the sale occurs within 300 feet of a school zone if the offender is over 21 and if the sale was made to a minor or to a pregnant woman.</p>			


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Possession of paraphernalia is punishable by up to six months in jail.


(N.C.G.S. 90-95 as of 2/05/07)

 **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.

 **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.

 **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

 **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).

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

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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.)