

Nebraska Marijuana Penalties

🔒 conditional
 ✳️ decriminalized
 📌 mandatory
 📄 tax stamps


| | | Incarceration | Fine |
|---|----------------|--------------------------|---------------|
| Possession | | | |
| 1 oz or less (first offense)* | civil citation | none | \$300 |
| 1 oz or less (second offense) | misdemeanor | 5 days | \$400 |
| 1 oz or less (subsequent offense) | misdemeanor | 7 days | \$500 |
| 1 oz to 1 lb | misdemeanor | 7 days | \$500 |
| More than 1 lb | felony | 5 years | \$10,000 |
| *Possible drug education course. | | | |
| Sale | | | |
| Any amount | felony | 1 year MMS** - 20 years | \$25,000 |
| To a minor | felony | 3 years MMS** - 20 years | \$50,000 |
| Within 1,000 feet of school or 100 to 1,000 feet of other specified areas | felony | 3 years MMS** - 50 years | \$50,000 |
| **Mandatory minimum sentence. | | | |
| Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...) | | | |
| Paraphernalia possession (first offense) | civil citation | none | \$100 |
| Paraphernalia possession (second offense) | civil citation | none | \$200 - \$300 |
| Paraphernalia possession (subsequent offense) | civil citation | none | \$200 - \$500 |
| Paraphernalia sale | misdemeanor | 6 monts | \$1,000 |
| Details | | | |
| NE 28-416(13): Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall: | | | |
| (a) For the first offense, be guilty of an infraction, receive a citation, be fined three hundred dollars, and be assigned to attend a course as prescribed in section 29-433 if the judge determines that attending such course is in the best interest of the individual defendant; | | | |
| (b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined four hundred dollars and may be imprisoned not to exceed five days; and | | | |
| (c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined five hundred dollars, and be imprisoned not to exceed seven days. | | | |
| For possession of greater than one ounce, the penalty is up to 7 days in jail and a fine up to \$500. Possession of greater than one pound is punishable by up to five years in prison and a fine up to \$10,000. | | | |
| The penalty for distribution of marijuana is up to 20 years in prison and a fine up to \$25,000. The penalty increases for sale to minors and sale within 1,000 feet of a school, college or playground, or within 100 feet of | | | |


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a youth center, public swimming pool or video arcade to the next higher classification of offense.

Possession of paraphernalia is punishable by a fine of \$100 for the first offense. For the second offense, the fine increases to \$200 - \$300 and for subsequent offenses, the fine increases to \$200 - \$500. Sale of paraphernalia is punishable by up to six months in jail and a fine up to \$1,000.

 **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

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.

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- 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.) |