



Working to Reform Marijuana Laws

New Jersey Marijuana Penalties

■ mandatory + medical

		Incarceration	Fine
Possession			
50 g or less	disorderly persons offense	6 months	\$1,000
More than 50 g	felony	18 months	\$25,000
Within 1,000 feet of school	depends on quantity	additional minimum 100 hours community service	depends on quantity
Cultivation			
Less than 10 plants	felony	3 - 5 years	\$25,000
10 to 49 plants	felony	5 - 10 years	\$150,000
50 or more plants	felony	10 - 20 years*	\$300,000
*Mandatory minimum sentence.			
Distribution or Possession with intent to distribute			
Less than 1 oz	felony	18 months	\$25,000
1 oz or more, but less than 5 pounds	felony	3 - 5 years	\$25,000
5 pounds or more, but less than 25 pounds	felony	5 - 10 years	\$150,000
25 pounds or more	felony	10 - 20 years*	\$300,000
Within 1,000 feet of school property or school bus	felony	Parole ineligibility for 1/3 - 1/2 of total sentence*	\$150,000
Within 500 feet of certain public property involving less than 1 oz	felony	3 - 5 years	\$25,000
Within 500 feet of certain public property involving 1 oz or more	felony	5 - 10 years	\$150,000
To minors or pregnant females	felony	double penalty	double penalty
*Mandatory minimum sentence with limited exceptions.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession or use	disorderly persons offense	6 months	\$1,000
Paraphernalia sale	felony	18 months	\$10,000
Paraphernalia sale to a person under 18 years	felony	3 - 5 years	\$15,000
Details			
Any conviction for the offenses detailed above carries a mandatory \$500-\$3,000 fine and a 6 to 24 month driver's license forfeiture, unless the court finds compelling circumstances warranting an exception.			
Possession of 50 grams or less of marijuana or being under the influence of marijuana is a disorderly persons offense, punishable by up to six months in jail and a fine of up to \$1,000. Possession of greater than 50 grams is punishable by up to 18 month in jail and a fine of up to \$25,000. Any possession within 1,000 feet of a			

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school adds an additional 100 hours or more of community service to the sentence.

Manufacture or distribution of less than one ounce of marijuana is punishable by up to 18 months in jail and a fine up to \$10,000. For amounts of one ounce or more, the penalty increases to 3 - 5 years in prison and a fine up to \$25,000. Manufacture or sale of five pounds or more or cultivation of 10 - 50 plants is punishable by 5 - 10 years in prison and a fine up to \$150,000. For amounts of 25 pounds or greater, or cultivation of greater than 50 plants, the penalties increase to 10 - 20 years in prison and a fine up to \$300,000.

Subsequent convictions for distribution or possession with intent to distribute expose you to extended terms of incarceration with mandatory minimums. For example, a second conviction for distribution or possession with intent to distribute one oz or more (but less than 5 pounds) will expose you to a 5 - 10 year sentence with a mandatory minimum period of parole ineligibility, as opposed to a standard 3 - 5 year sentence.

If you are growing more than 10 plants you can be charged with operating or maintaining a controlled dangerous substance production facility. This is a 1st degree felony carrying 10 - 20 years of incarceration and a mandatory minimum period of parole ineligibility equal to 1/3 to 1/2 of the sentence imposed. An additional fine of up to \$750,000 may be imposed.

Sale or distribution of marijuana within 1,000 feet of school property or on a school bus adds the imposition of a minimum sentence, with limited exceptions. For less than one ounce of marijuana, the minimum sentence imposed is between one-third and one-half of the total sentence or one year, whichever is greater. For one ounce or more, the minimum sentence imposed is between one-third and one-half of the total sentence or three years, whichever is greater. An additional fine of up to \$150,000 may also be imposed for these violations.

Sale or distribution of marijuana within 500 feet of public housing, a public park or a public building increases the possible penalties. For sale of less than one ounce, the penalty increases by 3 - 5 years in prison and a fine up to \$25,000. Sale or distribution in these zones of one ounce or more is punishable by 5 - 10 years in prison and a fine up to \$150,000.

Distribution to minors or pregnant females increases the penalty to twice the possible sentence.

Use or possession of paraphernalia is punishable by up to six months in jail and a fine up to \$1,000. Distribution of paraphernalia is punishable by up to 18 months in jail and a fine up to \$10,000. Any distribution of paraphernalia to a person under 18 years of age is punishable by 3 - 5 years in prison and a fine up to \$15,000.

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



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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.

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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.)