

New Mexico Marijuana Penalties

+medical
 +hemp

		Incarceration	Fine
Possession			
1 oz or less (first offense)	misdemeanor	15 days	\$50 - \$100
1 oz or less (subsequent offense)	misdemeanor	1 year	\$100 - \$1,000
1 to 8 oz	misdemeanor	1 year	\$100 - \$1,000
8 oz or more	felony	18 months	\$5,000
Sale or Cultivation			
100 lbs or less (first offense)	felony	18 months	\$5,000
100 lbs or less (subsequent offense)	felony	3 years	\$5,000
More than 100 lbs (first offense)	felony	3 years	\$5,000
More than 100 lbs (subsequent offense)	felony	9 years	\$10,000
Sale to a minor (first offense)	felony	3 years	\$5,000
Sale to a minor (subsequent offense)	felony	9 years	\$10,000
100 lbs or less within a drug-free school zone (first offense)	felony	3 years	\$5,000
100 lbs or less within a drug-free school zone (subsequent offense)	felony	9 years	\$10,000
More than 100 lbs within a drug-free school zone (first offense)	felony	9 years	\$10,000
More than 100 lbs within a drug-free school zone (subsequent offense)	felony	18 years	\$15,000
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession	misdemeanor	1 year	\$50 - \$100
Paraphernalia sale	misdemeanor	1 year	\$1,000
Paraphernalia sale to a minor 3 or more years younger than seller	felony	18 months	\$5,000
Details			
<p>Possession of one ounce or less of marijuana is a petty misdemeanor, punishable by up to 15 days in jail and a fine of \$50 - \$100 for the first offense. For subsequent offenses, the penalty increases to a possible one year in jail and a fine of \$100 - \$1,000. Possession of greater than one ounce is punishable by up to one year in jail and a fine of \$100 - \$1,000. For possession of eight ounces or greater, the penalty increases to up to 18 months in jail and a fine up to \$5,000.</p> <p>For a first offense, manufacture or distribution of 100 pounds or less of marijuana is punishable by up to 18 months in prison and a fine up to \$5,000. For subsequent offenses, the penalty increases to a possible three years in prison and a fine up to \$5,000. For amounts greater than 100 pounds the penalty can be up to three years in prison and a fine up to \$5,000. For subsequent offenses, the penalty increases to a possible nine years in prison and a fine up to \$10,000.</p> <p>Distribution to a minor is punishable by up to three years in prison and a fine up to \$5,000 for the first offense</p>			


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and up to nine years in prison and a fine up to \$10,000 for subsequent offenses.

Distribution of 100 pounds or less within a drug-free school zone is punishable by up to three years in prison and a fine up to \$5,000 for the first offense and up to nine years in prison and a fine up to \$10,000 for subsequent offenses. For distribution of greater than 100 pounds within a drug-free school zone, the penalty increases to up to nine years in prison and a fine up to \$10,000 for the first offense and up to 18 years in prison and a fine up to \$15,000 for subsequent offenses.

Possession of paraphernalia is punishable by up to one year in jail and a fine of \$50 - \$100. Delivery of paraphernalia is punishable by up to one year in jail and a fine up to \$1,000 unless the delivery was to a minor at least three years younger than the offender, in which case the penalty increases to a possible 18 months in jail and a fine up to \$5,000.

 **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.
- 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.)