



## Working to Reform Marijuana Laws

### New York Marijuana Penalties

decriminalized

		Incarceration	Fine
<b>Possession</b>			
25 g or less (first offense)	civil citation	none	\$100
25 g or less (second offense)	civil citation	none	\$200
25 g or less (3rd offense)	misdemeanor	5 days and/or fine	\$250
25 g to 2 oz*	misdemeanor	3 months	\$500
2 to 8 oz	class A misdemeanor	1 year and/or fine	\$1,000
8 to 16 oz (first felony)	class E felony	1-4 years and/or fine, if second offense- 3-4 years (mandatory ½ jail sentence)	\$5,000
16 oz to 10 lbs (first felony)	class D felony	1 - 15 years and/or fine, if 2nd offense mandatory ½ jail sentence	\$5,000
More than 10 lbs (first felony)	class C felony	1 - 15 years and/or fine, if 2nd offense mandatory ½ jail sentence	\$5,000
*Includes any amount in public where marijuana is burning or open to public view.			
<b>Sale or Cultivation</b>			
2 oz or less gift	class B misdemeanor	3 months and/or fine	\$500
24 g sale	class A misdemeanor	1 year and/or fine	\$1,000
25 g to 4 oz (first felony)	class E felony	1 - 4 years, if second felony 3-4 years (mandatory ½ jail sentence)	\$5,000
4 to 16 oz (first felony)	class D felony	1-7 years (probation if no prior felony)	\$5,000
16 oz to 10 lbs (first felony)	class C felony	1-5 years and/or fine, if second felony 4-7 years (mandatory ½ jail sentence)	\$5,000
10 lbs or more (first felony)	class C felony	1-15 years and/or fine if second felony 6-15 years (mandatory ½ jail sentence)	
Sale to a minor (first felony)	class D felony	1 - 7 years	\$5,000
<b>Miscellaneous</b> (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession (must be dirty paraphernalia)	misdemeanor	1 year	\$1,000
<b>Details</b>			
Possession of 25 grams or less of marijuana is punishable by a fine of \$100 for the first offense. For the			

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second offense, the penalty increases to a \$200 fine and for subsequent offenses the fine increases to \$250 and a maximum of 15 days in jail time may be imposed.

Possession of greater than 25 grams or possession of any amount in public where the marijuana is burning or open to public view, is a class B misdemeanor and is punishable by up to three months in jail and a fine up to \$500.


For possession of greater than two ounces, the penalty increases to a possible one year in jail and a fine up to \$1,000.

Possession of greater than eight ounces increases the penalties to a possible one to one and a half years in prison and a fine up to \$5,000. The penalties for possession of greater than 16 ounces are 1-15 years in prison and a fine up to \$5,000. For possession of any amount greater than 10 pounds, the penalty is 1-15 years in prison and a fine up to \$5,000.

Delivery or manufacture of two ounces or less of marijuana for no remuneration is punishable by up to three months in jail and a fine up to \$500. For delivery or manufacture of 25 grams or less, the penalty is up to one year in jail and a fine up to \$1,000. For amounts greater than 25 grams, the penalty increases to one to one and a half years in jail and a fine up to \$5,000. Delivery or manufacture of greater than four ounces is punishable by one to two and a half years in prison and a fine up to \$5,000. For any amount greater than 16 ounces, the penalty increases to one to five and a half years in prison and a fine up to \$5,000.

Any sale or delivery to a minor is punishable by 1-7 years in prison and a fine up to \$5,000.

Possession or sale of paraphernalia is punishable by up to one year in jail or a fine up to \$1,000.

 **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.

Also see Federal Laws [http://norml.org/index.cfm?Group\\_ID=4575](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](mailto: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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The National Organization for the Reform of Marijuana Laws ([www.norml.org](http://www.norml.org))

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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.

MAKE A DIFFERENCE: VOTE. JOIN NORML. <https://secure.norml.org/join/>

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.)