

Oklahoma Marijuana Penalties

 conditional  mandatory  tax stamps


		Incarceration	Fine
Possession			
any amount (first offense)	misdemeanor	1 year*	fine
any amount (subsequent offense)	felony	2 - 10 years	fine
*Conditional discharge available.			
Cultivation			
1000 plants or less	felony	2 years - life	\$20,000
More than 1000 plants	felony	20 years - life	\$50,000
Sale			
Less than 25 lbs	felony	2 years - life	\$20,000
25 lbs to 1000 lbs	felony	4 years - life	\$25,000 - \$100,000
			\$100,000 - \$500,000
1000 lbs or more	felony	4 years - life	\$100,000 - \$500,000
To minors	felony	double penalty	double penalty
Within 2,000 feet of schools, public parks or public housing	felony	double penalty + MMS**	double penalty
**Mandatory minimum sentence of 50% of the imposed sentence.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
paraphernalia	misdemeanor	1 year	<\$1,000
paraphernalia (2nd offense)	misdemeanor	1 year	<\$5,000
paraphernalia (3rd offense)	misdemeanor	1 year	<\$10,000
Any conviction causes driver's license suspension for 6 months to 3 years.			
Details			
Possession of any amount of marijuana is punishable by up to one year in jail for the first offense and 2 - 10 years in prison for subsequent offenses. Conditional discharge is available to first time offenders.			
Cultivation of 1,000 plants or less is punishable by 2 years - life in prison and a fine up to \$20,000. Cultivation of greater than 1,000 plants is punishable by 20 years - life in prison and a fine up to \$50,000.			
Sale or delivery of less than 25 pounds is punishable by 2 years - life in prison and a fine of \$20,000. For sale or delivery of 25 pounds or more the penalties increase to 4 years - life in prison and a fine of \$25,000 - \$100,000. Sale or delivery of 1,000 pounds or more is also punishable by 4 years - life in prison, but the fine increases to \$100,000 - \$500,000. Any sale to a minor doubles the penalties. Sale within 2,000 feet of schools, public parks or public housing doubles the available penalties and carries a mandatory minimum sentence of 50% of the imposed sentence.			
If eighteen (18) years of age or over who delivering/ selling drug paraphernalia to a person under eighteen (18) years of age shall, upon conviction, be guilty of a felony and causes driver's license suspension for 6 months			


to 3 years.


Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars (\$100.00) to be deposited into the Trauma Care Assistance Revolving Fund.

If never been previously convicted these offenses under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled dangerous substance, the court may, without entering a judgment of guilt and with the consent of such person, defer further proceedings and place him on probation upon such reasonable terms and conditions as it may require including the requirement that such person cooperate in a treatment and rehabilitation program of a state-supported or state-approved facility, if available.

Any student loan, grant, fellowship, teaching fellowship or other means of financial assistance authorized by and/or under the control of the Oklahoma State Regents for Higher Education, any operating Board of Regents of Oklahoma Universities or Colleges, or any employee or employees of any university, college or other institution of higher learning, whether such loan, grant, fellowship, teaching fellowship or other means of financial assistance be financed by state or federal funds, or both, may be revoked or terminated by the person or persons authorizing and/or controlling same for any of the following reasons: unlawful manufacture, preparation, delivery, sale, offering for sale, barter, furnishing, giving away, possession, control, use or administering of narcotic drugs, marijuana, barbiturates or stimulants.

 **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.

 **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

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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.)