

Pennsylvania Marijuana Penalties

 conditional  mandatory  drugged driving

		Incarceration	Fine
Possession			
30 g or less	misdemeanor	30 days	\$500
More than 30 g	misdemeanor	1 year	\$5,000
Possible probation for first offense. Any second or subsequent conviction can double penalty.			
Sale or Cultivation			
Distribution of 30 g or less for no remuneration	misdemeanor	30 days	\$500
Sale of less than 1,000 lbs	felony	1-3 years*, if prior drug conviction 3 years and max fine	\$5,000- \$25,000
Sale of more than 1,000 lbs	felony	10 years	\$100,000
To a minor by seller over age 21	felony	double penalty	double penalty
*MMS 2 to 10lbs or 10 to 21 plants 1 year; \$5,000 (double if subsequent offense) *MMS 10 to 50 lbs or 21 to 51 plants 3 years, \$15,000 (if subsequent offense, 4 years, \$30,000) Possible probation for first offense.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession or sale	misdemeanor	1 year	\$2,500
Paraphernalia possession or sale to minor	misdemeanor or felony	double penalty	double penalty
Possible probation for first offense. Any second or subsequent conviction can double penalty.			
Details			
Possession of 30 grams or less of marijuana is a misdemeanor, punishable by up to 30 days in jail and a fine of up to \$500. The penalties for possession of greater than 30 grams increase to a possible one year in prison and a fine up to \$5,000.			
Delivery for no remuneration of 30 grams or less of marijuana is treated as possession with a possible penalty of 30 days in jail and a fine up to \$500. Cultivation, delivery or sale of 1,000 pounds or less is punishable by up to five years in prison and a fine of up to \$15,000. For amounts greater than 1,000 pounds, the penalty increases to a possible 10 years in prison and a fine up to \$100,000. The court is authorized to increase the fines beyond the maximum to exhaust the proceeds of the crime. Sale or distribution to a minor by a person over the age of 21 doubles the possible penalties.			
Delivery of marijuana within 1,000 ft of a school or within 250 ft. of recreational playground is punishable by 2-4 years in prison.			
Possession or sale of paraphernalia is punishable by up to one year in jail and a fine up to \$2,500, unless the			

sale was to a minor, in which case the possible penalties double.

For first offenders, the court may grant probation without verdict.

Any second or subsequent drug conviction increases the possible penalties to twice those for first time offenders.



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.



Drugged driving: This state has a per se drugged driving law enacted. In their strictest form, these laws forbid drivers from operating a motor vehicle if they have any detectable level of an illicit drug or drug metabolite (i.e., compounds produced from chemical changes of a drug in the body, but not necessarily psychoactive themselves) present in their bodily fluids above a specific threshold. For more information, see state DUID laws. http://norml.org/index.cfm?Group_ID=6669

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.

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- "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.)