

South Carolina Marijuana Penalties

■ conditional
 ■ mandatory
 ■ tax stamps

		Incarceration	Fine
Possession			
1 oz or less (first offense)*	misdemeanor	30 days	\$100 - \$200
1 oz or less (subsequent offense)	misdemeanor	1 year	\$200 - \$1,000
More than 1 oz	see Sale or Trafficking		
*Conditional discharges possible for first offense.			
Cultivation			
Less than 100 plants	felony	5 years	\$5,000
100 to 1,000 plants	felony	25 years MMS**	\$25,000
1,000 to 10,000 plants	felony	25 years MMS**	\$50,000
More than 10,000 plants	felony	25 years MMS**	\$200,000
**Mandatory minimum sentence.			
Sale or Trafficking			
Less than 10 lbs	felony	5 years	\$5,000
10 to 100 lbs	felony	1 year MMS**	\$10,000
100 to 2,000 lbs	felony	25 years MMS**	\$25,000
2,000 to 10,000 lbs	felony	25 years MMS**	\$50,000
10,000 lbs or more	felony	25 years MMS**	\$200,000
To a minor, or within a one-half mile radius of a school, public park or playground	felony	10 years	\$10,000
**Mandatory minimum sentence.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession	civil citation	none	\$500
Details			
Possession of one ounce or less is punishable by up to 30 days in jail and a fine of \$100 - \$200 for a first offense. For subsequent offenses the penalties increase to up to a year in jail and a fine of \$200 - \$1,000. Convictions for a first offense are eligible for conditional discharges. Possession of greater than one ounce is considered evidence of intent to sell and is punished as such.			
Sale or delivery of less than ten pounds of marijuana is punishable by up to five years in prison and a fine up to \$5,000. Sale or delivery of 10 pounds or more is considered trafficking and all trafficking offenses are subject to mandatory minimum sentences. For trafficking of less than 100 pounds the mandatory minimum sentence is one year with a maximum of 10 years and a fine of \$10,000. For sale or delivery of less than 2,000			

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pounds the mandatory minimum sentence is 25 years in prison and a fine of \$25,000. For less than 10,000 pounds the penalty is also a minimum of 25 years in prison and the fine increases to \$50,000. For amounts of 10,000 pounds or more the mandatory minimum is 25 years with a maximum of thirty and a fine of \$200,000.


Sale to a minor or within a one-half mile radius of a school, public park or playground is a separate offense and carries a penalty of up to 10 years in prison and a fine up to \$10,000.

Cultivation of less than one hundred marijuana plants is punishable by up to five years in prison and a fine of up to \$5,000. Cultivation of 100 marijuana plants or more is punishable by a mandatory minimum sentence of 25 years in prison and a fine of \$25,000. For more than 1,000 plants, the mandatory minimum stays at 25 years, but the fine increases to \$50,000. For greater than 10,000 plants the mandatory minimum sentence is 25 years with a maximum of 30 years and a fine of \$200,000.

Possession of paraphernalia is punishable by a civil fine of \$500.

 **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 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

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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.)