

South Dakota Marijuana Penalties

 mandatory  drugged driving

		Incarceration	Fine
Possession*			
2 oz or less	misdemeanor	1 year	\$1,000
2 to 8 oz	felony	2 years	\$2,000
8 oz to 1 lb	felony	5 years	\$5,000
1 to 10 lbs	felony	10 years	\$10,000
More than 10 lbs	felony	15 years	\$15,000
*A positive urine test or other evidence of recent marijuana use is considered possession.			
Sale or Cultivation			
Delivery of less than 1/2 oz	misdemeanor	15 days MMS** - 1 year	\$1,000
1 oz or less	felony	2 years	\$2,000
1 to 8 oz	felony	5 years	\$5,000
8 oz to 1 lb	felony	10 years	\$10,000
1 lb or more	felony	15 years	\$15,000
To a minor	felony	10 years	\$10,000
Within 1,000 feet of a school or within 500 feet of specified areas.	felony	5 years MMS**	\$10,000
**Mandatory minimum sentence. All convictions carry the MMS of 30 days (first offense), 1 year (subsequent offense).			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession	misdemeanor	30 days	\$200
Inhabiting a room where marijuana is being stored or used	misdemeanor	1 year	\$1,000
Details			
<p>Possession of two ounces or less of marijuana is a misdemeanor and is punishable by up to one year in jail and a fine up to \$1,000. Possession of less than eight ounces is punishable by up to two years in prison and a fine up to \$2,000. For less than one pound, the penalty increases to a possible five years in prison and a fine up to \$5,000. Possession of 10 pounds or less carries up to 10 years in prison and a fine up to \$10,000. For amounts over 10 pounds, the penalty is up to 15 years in prison and a fine up to \$15,000.</p> <p>A positive urine test or other evidence of recent marijuana use is considered possession and is punished as such.</p> <p>Inhabiting a room where marijuana is being stored or used is punishable by up to one year in jail and a fine of up to \$1,000.</p> <p>Transferring less than one-half ounce of marijuana for no remuneration is punishable by not less than 15 days and not more than one year in jail and a fine up to \$1,000. Cultivation, delivery or sale of one ounce or less is punishable by up to two years in prison and a fine up to \$2,000. For amounts less than eight ounces the penalties increase to a possible five years in prison and a fine up to \$5,000. Cultivation, delivery or sale of less</p>			

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than one pound carries a penalty of up to 10 years in prison and a fine up to \$10,000. For any amounts of one pound or more, the penalty increases to a possible 15 years in prison and a fine up to \$15,000.

All convictions for sale, cultivation or distribution carry a mandatory minimum sentence of 30 days for the first offense and one year for the second or subsequent offense.

Any sale to a minor is punishable by up to ten years in prison and a fine of up to \$10,000. Any sale within 1,000 feet of a school or within 500 feet of a youth center, public pool or video arcade carries a penalty of a five-year mandatory minimum prison sentence.

The use or possession of paraphernalia is punishable by up to 30 days in jail and a fine up to \$200.

 **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.)