

Texas Marijuana Penalties

■ tax stamps

		Incarceration	Fine
Possession			
2 oz or less*	class B misdemeanor	180 days	\$2,000
2 to 4 oz*	class A misdemeanor	1 year	\$4,000
4 oz to 1 lb*	state jail felony	180 days - 2 years	\$10,000
1 to 5 lbs	state jail felony	180 days - 2 years	\$10,000
5 to 50 lbs	felony of the third degree	2 - 10 years	\$10,000
50 to 2,000 lbs	felony of the second degree	2 - 20 years	\$10,000
More than 2,000 lbs	felony	5 - 99 years	\$50,000
Sale			
Gift of 1/4 oz or less	class B misdemeanor	180 days	\$2,000
Sale of 1/4 oz or less	class A misdemeanor	1 year	\$4,000
1/4 oz to 5 lbs	state jail felony	180 days - 2 years	\$10,000
5 to 50 lbs	felony of the second degree	2 - 20 years	\$10,000
50 to 2,000 lbs	felony of the first degree	5 - 99 years	\$10,000
2,000 lbs or more	felony	MMS 10 - 99 years	\$100,000
To a minor	felony	2 - 20 years	\$10,000
Within 1,000 feet of a school or within 300 feet of specified areas	misdemeanor or felony	increased penalty	increased penalty
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession	class C misdemeanor	none	\$500
Paraphernalia sale	class A misdemeanor	1 year	\$4,000**
Details			
* With no prior felony convictions, if convicted of possession of less than one pound of marijuana a judge must impose a sentence of probation with mandatory drug treatment. If no treatment center exists within the jurisdiction, the judge may waive the treatment requirement. They judge can also waive all fines.			
** Unless previous conviction of paraphernalia sale or possession (if previous conviction, 90 days to 1 year). Paraphernalia sale to a minor at least 3 years younger than actor- State Jail Felony = 180 days-2 years; \$10,000			
Possession of two ounces or less of marijuana is punishable by up to 180 days in jail and a fine up to \$2,000.			

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Possession of greater than two ounces is punishable by up to one year in jail and a fine up to \$4,000. For greater than four ounces the penalty increases to 180 days - two years in jail and a fine up to \$10,000. Possession of greater than five pounds carries a penalty of 2 - 10 years in prison and a fine up to \$10,000. For greater than 50 pounds the penalties increase to 2 - 20 years in prison and a fine up to \$10,000. For any amount greater than 2,000 pounds the penalty is 5 - 99 years and a fine up to \$50,000.

The penalty for delivery, without remuneration, of one-quarter of an ounce or less is up to 180 days in jail and a fine up to \$2,000. For delivery or sale of one-quarter of an ounce or less the penalty is up to one year in jail and a fine of up to \$3,000. For delivery or sale of amounts greater than one-quarter ounce of marijuana the penalty increases to 180 days - 2 years in jail and a fine up to \$10,000. Sale or delivery of greater than five pounds is punishable by 2 - 20 years in prison and a fine up to \$10,000. The penalty for delivery or sale of greater than 50 pounds is 5 - 99 years in prison and a fine up to \$10,000. For any amount of 2,000 pounds or greater, the penalty is a mandatory minimum 10 - 99 years in prison and a fine up to \$100,000.

Any sale to a minor is punishable by 2 - 20 years in prison and a fine up to \$10,000. Sale within 1,000 feet of a school or within 300 feet of a youth center, public pool or video arcade increases the penalty classification to the next highest level.

Repeat Misdemeanor Offenses:

- If charged with a Class A misdemeanor and defendant has been before convicted of a Class A misdemeanor or any degree of felony = 90 days-1 year; \$4,000
- If charged with a Class B misdemeanor and defendant has been before convicted of a Class A or Class B misdemeanor or any degree of felony = 30 days-180 days; \$2,000
- If charged with a Class C misdemeanor and defendant has been before convicted under one or a combination of the two above three times and the prior offense was committed within 24 months of incident = > 180 days; \$2,000

Repeat Felony Offenses:

- If charged with a state jail felony punishable and defendant has previously been finally convicted of two state jail felonies, on conviction the defendant shall be punished for a third-degree felony.
- If charged with a state jail felony punishable and defendant has previously been finally convicted of two felonies, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction the defendant shall be punished for a second-degree felony.
- If charged with a state jail felony or of a third-degree felony and defendant has been once before convicted of a felony, on conviction he shall be punished for a second-degree felony.
- If charged with a second-degree felony and the defendant has been once before convicted of a felony, on conviction he shall be punished for a first-degree felony.
- If it is a first-degree felony and defendant has been once before convicted of a felony, on conviction he shall be punished by imprisonment in the institutional division of the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 15 years. In addition to imprisonment, an individual may be punished by a fine not to exceed \$10,000.

 **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). http://www.norml.org/index.cfm?Group_ID=6670

The National Organization for the Reform of Marijuana Laws (www.norml.org)



Working to Reform Marijuana Laws

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.
- "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.)