

### Virginia Marijuana Penalties

 conditional 
  mandatory 
  hemp 
  drugged driving

		Incarceration	Fine
<b>Possession</b>			
Any amount (first offense)	misdemeanor	30 days	\$500
Any amount (subsequent offense)	misdemeanor	1 year	\$2,500
<b>Cultivation</b>			
Any amount	felony	5 - 30 years	\$10,000
<b>Sale</b>			
1/2 oz or less	misdemeanor	1 year	\$2,500
1/2 oz to 5 lbs	felony	1 - 10 years	\$2,500
5 lbs to 100 kg	felony	5 - 30 years	\$2,500
More than 100 kg	felony	20 years MMS*	\$1,000,000
To a minor	felony	10 - 50 years	\$100,000
Within 1,000 feet of a school or other specified areas	felony	1 - 5 years	\$100,000
Transport 5 lbs or more into state with intent to sell	felony	3 years MMS* - 40 years	\$1,000,000

\*Mandatory minimum sentence.

#### Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)

Paraphernalia sale	misdemeanor	1 year	\$2,500
Paraphernalia sale to a minor	felony	1 - 5 years	\$2,500

Probation with deferred proceedings is possible for first offenders.

Any marijuana conviction results in the suspension of ones drivers license for a period of six months.

#### Details

Possession of marijuana is punishable by up to 30 days in jail and a fine up to \$500 for the first offense and up to one year in jail and a fine up to \$2,500 for subsequent offenses.

Cultivation of marijuana is punishable by 5 - 30 years in prison and a fine up to \$10,000. A conviction for manufacturing marijuana must include proof that the marijuana was being grown for a purpose other than the grower's personal use.

The delivery or sale of one-half ounce of marijuana or less is punishable by up to one year in jail and a fine up to \$2,500. For greater than one-half ounce, the penalties increase to a possible 1 - 10 years in prison and a fine up to \$2,500. Sale or delivery of greater than five pounds carries a penalty of 5 - 30 years in prison. Any amount of 100 kilograms or greater is punishable by a mandatory minimum sentence of twenty years in prison with a possible maximum of life in prison and a fine of up to \$1,000,000.

#### An Argument Against Increasing the Maximum Penalty for Marijuana Possession (PDF)

[http://norml.org/pdf\\_files/state\\_penalties/VA\\_NORML\\_Maximum\\_Penalty.pdf](http://norml.org/pdf_files/state_penalties/VA_NORML_Maximum_Penalty.pdf)

A report from Virginia NORML

Any sale to a minor carries a penalty of 10 - 50 years in prison and a fine of up to \$100,000. Any sale within 1,000 feet of a school, school bus, school bus stop, recreation center, public library or state hospital is punishable by 1 - 5 years in prison and a fine up to \$100,000.


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## Working to Reform Marijuana Laws


Transporting five pounds or more into the state with the intent to sell carries a sentence of 5 - 40 years in prison, with a three-year mandatory minimum sentence, and a fine of up to \$1,000,000.


Probation with deferred proceedings is possible for first offenders in some instances.

The 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 penalty increases to 1 - 5 years in prison and a fine up to \$2,500.

 **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.

 **Hemp:** This state has an active hemp industry or has authorized research. Hemp is a distinct variety of the plant species *cannabis sativa L.* that contains minimal (less than 1%) amounts of tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana. Various parts of the plant can be utilized in the making of textiles, paper, paints, clothing, plastics, cosmetics, foodstuffs, insulation, animal feed, and other products. For more information see NORML's Industrial Use section. [http://norml.org/index.cfm?Group\\_ID=3377](http://norml.org/index.cfm?Group_ID=3377)

 **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](http://norml.org/index.cfm?Group_ID=6669)

Also see Federal Laws [http://norml.org/index.cfm?Group\\_ID=4575](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](mailto:foundation@norml.org)).

Please note:

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## Working to Reform Marijuana Laws

- 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.)