

Virgin Islands Marijuana Penalties

 conditional  mandatory

		Incarceration	Fine
Possession			
Any amount (first offense)*	misdemeanor	1 year	\$5,000
Any amount (second offense)	felony	2 years	\$10,000
*Conditional discharge available.			
Trafficking			
50 to 200 lbs	felony	3 years MMS**	\$25,000
200 to 1,000 lbs	felony	5 years MMS**	\$50,000
1,000 lbs or more	felony	15 years MMS**	\$200,000
To a minor	felony	double penalty	double penalty
Within 1,000 feet of a school or specified areas	felony	2 years MMS**	
**Mandatory minimum sentence.			
Sale or Cultivation			
50 lbs or less (first offense)	felony	5 years	\$15,000
50 lbs or less (subsequent offense)	felony	10 years	\$30,000
To a minor	felony	double penalty	double penalty
Within 1,000 feet of a school or specified areas	felony	2 years MMS**	
More than 50 lbs		See Trafficking	
Gift of small amount		See Possession	
**Mandatory minimum sentence.			
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia possession or use	misdemeanor	1 year	\$5,000
Paraphernalia manufacture, delivery or sale	felony	3 years	\$15,000
Details			
<p>Possession of marijuana is punishable by up to one year in jail and a fine up to \$5,000 for the first offense. For the second offense, the penalty increases to a possible two years in prison and a fine up to \$10,000. For first time offenders, conditional discharge is available.</p> <p>The sale or delivery of a small amount of marijuana for no remuneration is treated as possession and punished as such.</p> <p>The manufacture, sale or delivery of 50 pounds or less of marijuana is punishable by up to five years in prison and a fine up to \$15,000 for the first offense and by up to 10 years in prison and a fine up to \$30,000 for subsequent offenses.</p> <p>Any manufacture, sale or delivery greater than 50 pounds is considered trafficking. All trafficking convictions carry a mandatory minimum sentence. For greater than 50 pounds the mandatory minimum sentence is three years in prison and a fine up to \$25,000. For 200 pounds or more, the mandatory minimum sentence is five years in prison and a fine up to \$50,000. For manufacture, sale or delivery of any amount of 1,000 pounds or</p>			


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more, the punishment is a mandatory minimum sentence of 15 years in prison and a fine up to \$200,000.

Any sale or delivery to a minor doubles the possible penalties. Any sale within 1,000 feet of a school, public park, playground or public beach adds an additional two-year mandatory minimum to the sentence.

The use or possession of paraphernalia is punishable by up to one year in jail and a fine up to \$5,000. The manufacture, delivery or sale of paraphernalia is punishable by up to three years in prison and a fine up to \$15,000.

 **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.

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".

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- 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.)