



## West Virginia Marijuana Penalties

 conditional  mandatory  hemp

		Incarceration	Fine
<b>Possession</b>			
Any amount	misdemeanor	90 days - 6 months	\$1,000
Conviction of possession of less than 15 grams triggers an automatic conditional discharge.			
<b>Sale or Cultivation</b>			
Any amount	felony	1 - 5 years	\$15,000
Sale to a minor or within 1,000 feet of a school	felony	2 years MMS*	variable
Transport into state with intent to deliver	felony	1 - 5 years	\$15,000
*Mandatory minimum sentence.			
<b>Miscellaneous</b> (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia sale	misdemeanor	6 months - 1 year	\$5,000
Subsequent offenses double the possible penalties.			
<b>Details</b>			
<p>Possession of marijuana is punishable by 90 days - 6 months in jail and a fine up to \$1,000. Possession with intent to manufacture or deliver a controlled substance is a felony and can result in imprisonment of not less than one year and not more than five years, or a fine of fifteen thousand dollars, or both.</p> <p>Conviction of possession of less than 15 grams triggers an automatic conditional discharge. Conditional discharge does not apply to a defendant who has previously been convicted of any offense relating to narcotic drugs or marijuana.</p> <p>Cultivation, delivery or sale is punishable by 1 - 5 years in prison and a fine up to \$15,000. Sale to a minor or sale within 1,000 feet of a school requires a two-year mandatory minimum sentence for the sale.</p> <p>Transportation of marijuana into the state with the intent to deliver is punishable by 1 - 5 years in prison and a fine up to \$15,000.</p> <p>Subsequent offenses double the possible penalties.</p> <p>Operating an illegal drug paraphernalia business is punishable by 6 months - 1 year in jail and a fine up to \$5,000.</p>			

 **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

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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)

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:

- 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.)