

FEDERAL Marijuana Penalties

M mandatory

		Incarceration	Fine
Possession			
Any amount (first offense)	misdemeanor	1 year	\$1,000
Any amount (second offense)	misdemeanor	15 days MMS*	\$2,500
Any amount (subsequent offense)	misdemeanor or felony	90 days MMS* - 3 years	\$5,000
*Mandatory minimum sentence.			
Sale or Cultivation			
Less than 50 kg	felony	5 years	\$250,000
50 to 100 kg	felony	20 years	\$1,000,000
100 to 1,000 kg	felony	5 - 40 years	\$2,000,000
1000 kg or more	felony	10 years - life	\$4,000,000
To a minor	felony	double penalty	double penalty
Within 1,000 feet of a school, or other specified areas	felony	double penalty	double penalty
Gift of small amount		see Possession	
Miscellaneous (paraphernalia, license suspensions, drug tax stamps, etc...)			
Paraphernalia sale	felony	3 years	none
Details			
<p>Possession of marijuana is punishable by up to one year in jail and a minimum fine of \$1,000 for a first conviction. For a second conviction, the penalties increase to a 15-day mandatory minimum sentence with a maximum of two years in prison and a fine of up to \$2,500. Subsequent convictions carry a 90-day mandatory minimum sentence and a maximum of up to three years in prison and a fine of up to \$5,000.</p> <p>Distribution of a small amount of marijuana, for no remuneration, is treated as possession. Manufacture or distribution of less than 50 kilograms of marijuana is punishable by up to five years in prison and a fine of up to \$250,000. For 50 kilograms or more the penalty increases to a possible 20 years in prison and a fine of up to \$1,000,000. Manufacture or distribution of 100 kilograms or more carries a penalty of 5 - 40 years in prison and a fine of up to \$2,000,000. For 1000 kilograms or more, the penalty increases to 10 years - life in prison and a fine of up to \$4,000,000.</p> <p>Distribution of greater than 5 grams of marijuana to a minor under the age of 21 doubles the possible penalties. Distribution within 1,000 feet of a school, playground, public housing or within 100 feet of a youth center, public pool or video arcade also doubles the possible penalties.</p> <p>The sale of paraphernalia is punishable by up to three years in prison.</p> <p>The sentence of death can be carried out on a defendant who has been found guilty of manufacturing, importing or distributing a controlled substance if the act was committed as part of a continuing criminal enterprise -- but only if the defendant is (1) the principal administrator, organizer, or leader of the enterprise or</p>			

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is one of several such principal administrators, organizers, or leaders, and (2) the quantity of the controlled substance is 60,000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, or 60,000 or more marijuana plants, or the if the enterprise received more than \$20 million in gross receipts during any 12-month period of its existence.

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

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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.)