

Marijuana Possession

Amount	Penalty level	Statutory maximum ¹	Presumptive sentence ¹	Statutory citation	Comment
42.5 grams or less of nonresinous ² marijuana	Petty misdemeanor	\$300 fine no incarceration	\$50 fine (Considered a payable offense (except for juveniles). Can be pled guilty to without a court appearance.)	§152.027, subd. 4	Statute requires participation in a drug education program unless the court enters a written finding that this is inappropriate. A person who willfully and intentionally fails to comply with the imposed sentence is guilty of a misdemeanor.
More than 1.4 grams in an automobile by its owner or driver if the owner is not present	Misdemeanor	90 days and/or \$1,000 fine	\$150 fine (Considered a payable offense (except for juveniles). Can be pled guilty to without a court appearance.)	§152.027, subd. 3	Applies to possession on the person or in an area of the vehicle normally occupied by the driver or passengers.
More than 42.5 grams of nonresinous ²	Felony (5 th degree controlled substance crime)	5 years and/or \$10,000 fine	Presumptive stayed sentence (probation, possible jail	§152.025, subd. 2, clause (1)	Possession of less than 0.25 grams of resinous marijuana by a first-time offender is a gross misdemeanor

¹ Any specified fine does not include the mandatory \$75 criminal and traffic surcharge.

² The definition of marijuana includes both the resinous (hashish) and nonresinous (ordinary marijuana) forms of marijuana. However, the definition of small amount of marijuana (42.5 grams or less) includes only the nonresinous form.

Amount	Penalty level	Statutory maximum¹	Presumptive sentence¹	Statutory citation	Comment
marijuana but less than 10 kilograms <u>or</u> one or more mixtures containing any amount of resinous ² marijuana but less than ten kilograms			time, other conditions) at zero criminal history points.		(incarceration of up to one year and/or \$3,000 fine).
Ten kilograms but less than 25 kilograms	Felony (3 rd degree controlled substance crime)	20 years and/or \$250,000 fine	Presumptive stayed sentence (probation, possible jail time, other conditions) at zero criminal history points.	§152.023, subd. 2, clause (5)	For this offense, the statute allows possession offenses on more than one occasion within 90 days to be considered when determining the amount possessed.
25 kilograms but less than 50 kilograms <u>or</u> 100 marijuana plants but fewer than 500 plants	Felony (2 nd degree controlled substance crime)	25 years and/or \$500,000 fine	Presumptive stayed sentence (probation, possible jail time, other conditions) at zero criminal history points.	§152.022, subd. 2, clause (6)	If the offense is considered to be a subsequent controlled substance conviction, the offender must receive a three-year prison sentence and the statutory maximum is 40 years and/or a \$500,000 fine.

Amount	Penalty level	Statutory maximum¹	Presumptive sentence¹	Statutory citation	Comment
50 kilograms or more <u>or</u> 500 or more marijuana plants	Felony (1 st degree controlled substance crime)	30 years and/or \$1,000,000 fine	65 months in prison at zero criminal history points.	§152.021, subd. 2, clause (6)	If the offense is considered to be a subsequent controlled substance conviction, the offender must receive a four-year prison sentence and the statutory maximum is 40 years and/or a \$1,000,000 fine.