

## Marijuana Sales <sup>1</sup>

| Amount <sup>2</sup>  | Penalty level     | Statutory maximum <sup>3</sup> | Presumptive sentence <sup>3</sup>  | Statutory citation | Comment  |
|--|-------------------|--------------------------------|--|--------------------|--|
| 42.5 grams or less of nonresinous <sup>4</sup> marijuana for no remuneration | Petty misdemeanor | \$300 fine<br>no incarceration | \$50 fine<br>(Considered a payable offense (except for juveniles).<br>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.<br><br>A person who willfully and intentionally fails to comply with the imposed sentence is guilty of a misdemeanor. |
| 42.5 grams or less of nonresinous <sup>4</sup> marijuana for no remuneration | Misdemeanor       | 90 days and/or<br>\$1,000 fine | \$100 fine<br>(Considered a payable offense (except for juveniles).<br>Can be pled guilty to                             | §152.027, subd. 4  | Statute requires participation in a chemical dependency evaluation and treatment if so indicated by the evaluation.  |

<sup>1</sup> The definition of sell includes selling, giving away, bartering, delivering, exchanging, distributing, or disposing of to another, and manufacturing. It also includes offering or agreeing to do any of these things and possessing with the intent to do so.

<sup>2</sup> Generally, for sale offenses, sales occurring on one or more occasions within a 90-day period may be considered when determining the amount sold. This is not the case for crimes occurring within school zones, park zones, public housing zones, or drug treatment facilities. It also is not the case for the offenses involving sales to minors or conspiracy with or employment of minors to sell, or those involving less than five kilograms.

<sup>3</sup> Any specified fine does not include the mandatory \$75 criminal and traffic surcharge.

<sup>4</sup> 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.

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|--|--|--------------------------------------|--|-------------------------------|----------------|
| within two years of a prior violation  |  |                                      | without a court appearance.)   |                               |                |
| More than 42.5 grams of nonresinous <sup>4</sup> marijuana but less than five kilograms <u>or</u> 42.5 grams or less of nonresinous <sup>4</sup> marijuana for remuneration <u>or</u> one or more mixtures containing any amount of resinous <sup>4</sup> marijuana but less than five kilograms | Felony (5 <sup>th</sup> degree controlled substance crime) | 5 years and/or \$10,000 fine         | Presumptive stayed sentence (probation, possible jail time, other conditions) at zero criminal history points. | §152.025, subd. 1, clause (1) |                |

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|--|--|--------------------------------------|--|--|----------------|
| More than 42.5 grams of nonresinous <sup>4</sup> marijuana but less than five kilograms <u>or</u> 42.5 grams or less of nonresinous <sup>4</sup> marijuana for remuneration <u>or</u> any amount of resinous <sup>4</sup> marijuana but less than five kilograms; in a school zone, park zone, public housing zone, or a drug treatment facility | Felony (4 <sup>th</sup> degree controlled substance crime) | 15 years and/or \$100,000 fine       | Presumptive stayed sentence (probation, possible jail time, other conditions) at zero criminal history points. | §152.024, subd. 1, clause (4)                |                |
| Five kilograms but   | Felony   | 20 years and/or \$250,000 fine       | Presumptive stayed sentence (probation,  | §152.023, subd. 1, clauses (3), (4), and (5) |                |

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|---|--|--------------------------------------|--|--|--|
| less than ten kilograms <u>or</u> one or more mixtures of any amount less than ten kilograms to a minor <u>or</u> conspiracy with or employment of a minor to sell one or more mixtures of any amount less than ten kilograms | (3 <sup>rd</sup> degree controlled substance crime)        |                                      | possible jail time, other conditions) at zero criminal history points.   |  |  |
| Ten kilograms but less than 25 kilograms <u>or</u> five kilograms but less than 25 kilograms in a school zone, park zone, public  | Felony (2 <sup>nd</sup> 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. 1, clauses (5) and (7), item (iii) | 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. |

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|--|--|--------------------------------------|--|-------------------------------|---|
| housing zone, or a drug treatment facility |  |                                      |  |                               |   |
| 25 kilograms or more                       | Felony (1 <sup>st</sup> degree controlled substance crime) | 30 years and/or \$1,000,000 fine     | 65 months in prison at zero criminal history points. | §152.021, subd. 1, 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. |