

**APPENDIX A**

**INTERJURISDICTIONAL COMPARISON OF POSSIBLE SENTENCES FOR A  
CONVICTION OF SIMPLE POSSESSION OF 43.71 GRAMS OF MARIJUANA**

<b><u>Jurisdiction</u></b>	<b><u>Penalty for First Time Offender</u></b>	<b><u>Penalty for Habitual/Persistent Offender</u></b>
Federal	0 to 12 months; up to \$1,000 fine  (21 U.S.C. § 844; U.S.S.G. § 2D1.1.)	12 to 18 months; up to \$5,000 fine  (21 U.S.C. § 844; U.S.S.G. §§ 2D1.1, 2B2.1 and 2K2.1)
Alabama	0 to 12 months; up to \$6,000 fine  (Alabama Code § 13A-12-213)	Mandatory Life in Prison without the possibility of parole.  (Alabama Code § 13A-12-213)
Alaska	0 to 12 months; up to \$10,000 fine  (Alaska Stat. § 11.71.060, et seq.)	3 to 5 years; up to \$50,000 fine  (Alaska Stat. § § 12.55.035)
Arizona	Up to \$300 fine  (A.R.S. § 13-3405)	3 to 5.75 years  (Ariz. Rev. Stat. § 13-703(J))
Arkansas	0 to 12 months; up to \$2,500 fine  (Arkansas Code § 5-64-419)	No enhanced sentencing for conviction of simple marijuana possession  (Arkansas Code § 5-4-501)
California	0 to 6 months; up to \$500 fine  (Cal. Health & Safety Code § 11357)	No enhanced sentencing for conviction of simple marijuana possession  (Cal. Pen. Code § 1170.126)
Colorado	Up to \$100 fine  (C.R.S. Const. Art. 18, § 16(3))	No enhanced sentencing for conviction of simple marijuana possession  (CO Rev Stat § 18-1.3-801)
Connecticut	0 to 12 months; up to \$2,000 fine  (C.G.S. § 21a-279a)	No enhanced sentencing for conviction of simple marijuana possession  (C.G.S. § 53a-40(c))
Delaware	0 to 3 months; up to \$575 fine  (16 Del.C. § 4764)	No enhanced sentencing for conviction of simple marijuana possession

		(11 Del.C. § 4214)
District of Columbia	None - possession up to 2 oz. legal (DC ST § 48-904.01)	No enhanced sentencing for conviction of simple marijuana possession  (DC ST § 22–1804a)
Florida	0 to 5 years; up to \$5,000 fine (Fla. Stat. § 893.13)	5 to 10 years;  (Fla. Stat. § 775.084)
Georgia	1 to 10 years imprisonment (O.C.G.A. § 16-13-2(j)(2))	10 years imprisonment  (O.C.G.A. 17-10-7(a))
Hawaii	0 to 12 months; up to \$2,000 fine (HRS § 712-1248)	No enhanced sentencing for conviction of simple marijuana possession  ( HI Rev. Stat. § 706-606.5)
Idaho	0 to 12 months; up to \$1,000 fine (I.C. § 37-2732)	No enhanced sentencing for conviction of simple marijuana possession  ( I.C. § 19-2514)
Illinois	0 to 12 months; up to \$2,500 fine (720 ILCS § 550/4)	No enhanced sentencing for conviction of simple marijuana possession  ( 730 ILCS 5/5-4.5-95)
Indiana	0 to 6 months; up to \$1,000 fine (Ind. Code § 35-48-4-11)	No enhanced sentencing for conviction of simple marijuana possession  (Ind. Code § 35-50-2-8)
Iowa	0 to 6 months; up to \$1,000 fine (Iowa Code § 124.401)	No enhanced sentencing for conviction of simple marijuana possession  (Iowa Code § 902.8)
Kansas	0 to 6 months; up to \$1,000 fine (Kan. Stat. Ann. § 21-5706)	“Presumed prison” and 4 months mandatory substance abuse treatment program  (Kan. Stat. Ann. § 21-6805(f)(1))
Kentucky	0 to 45 days; up to \$250 fine	No enhanced sentencing for conviction of simple marijuana

	(Ky. Rev. Stat. § 218A.1422)	possession  (Ky. Rev. Stat. § 532.080)
Louisiana	0 to 6 months; up to \$500 fine  (LSA-R.S. § 40:966)	No enhanced sentencing for convictions of simple marijuana possession  (LSA-R.S. § 15:529.1)
Maine	0 to 6 months; up to \$1,000 fine  (17-A M.R.S. § 1107-A(1)(F))	No enhanced sentencing for convictions of simple marijuana possession  (29-A.M.R.S. §2551-A)
Maryland	0 to 12 months; up to \$1,000 fine  (Md. Code, Criminal Law, § 5-601)	No enhanced sentencing for conviction of simple marijuana possession  (Md. Code, Criminal Law, § 14-101)
Massachusetts	0 to 6 months; up to \$500 fine  (Mass. Gen. Laws ch. 94G, § 7)	No enhanced sentencing for conviction of simple marijuana possession  (Mass. Gen. Laws ch. 279, § 25)
Michigan	Up to \$500 fine  (Mich. Comp. Laws § 333.27965)	No enhanced sentencing for conviction of simple marijuana possession  (MCL 769.10(1)(a), 769.11(1)(a), 769.12(1)(a))
Minnesota	0 to 5 years; up to \$10,000 fine  (Minn. Stat. § 152.023)	No enhanced sentencing for conviction of simple marijuana possession  (Minn. Stat. § 609.1095)
Missouri	0 to 7 years; up to \$10,000 fine  (Mo. Rev. Stat. § 579.015)	4 to 7 years; up to \$10,000 fine  (Mo. Rev. Stat. § 558.016)
Montana	Up to \$200 fine or 4 hours community service  (Mont. Code Ann. § 16-12-106(7)(a))	No enhanced sentencing for conviction of simple marijuana possession  (Mont. Code Ann. § 46-18-219(1)(a))

Nebraska	0 to 3 months; up to \$500 fine (Neb. Rev. Stat. § 28-416)	No enhanced sentencing for conviction of simple marijuana possession  (Neb. Rev. Stat. § 29-2221(1))
Nevada	\$600 fine (Nev. Rev. Stat. § 678D.310)	No enhanced sentencing for conviction of simple marijuana possession  (Nev. Rev. Stat. § 207.010)
New Hampshire	0 to 12 months; up to \$350 fine (N.H. Rev. Stat. § 318-B:26)	2 - 5 years  (N.H. Rev. Stat. § 651:6(III)(a))
New Jersey	None - possession up to 6 oz. legal (N.J. Rev. Stat. § 2C:35-10)	No enhanced sentence for conviction of simple marijuana possession  (N.J. Rev. Stat. § 2C:43-7.1)
New Mexico	None - possession up to 2 oz. legal (Cannabis Regulation Act (HB2))	No enhanced sentence for conviction of simple marijuana possession  (NM Stat § 31-18-17)
New York	None - possession up to 3 oz. legal (N.Y. Penal § 222.05)	No enhanced sentence for conviction of simple marijuana possession  (N.Y. Penal § 70.10)
North Carolina	0 to 45 days; discretionary fine, up to \$1,000 (N.C. Gen. Stat. § 15A-1340.23)	Up to 125 days; discretionary fine up to \$1,000  (N.C. Gen. Stat. § 15A-1340.23)
North Dakota	0 to 30 days; up to \$1,500 fine (N.D. Cent. Code § 19-03.1-23(d)(1)(b))	No enhanced sentence for conviction of simple marijuana possession  (N.D. Cent. Code § 12.1-32-09(1)(c))
Ohio	Up to \$150 fine (Ohio Rev. Code § 2925.11)	No enhanced sentencing for conviction of simple marijuana possession  (Ohio Rev. Code § 2929.14(B)(2))
Oklahoma	0 to 12 months; up to \$1,000 fine	No enhanced sentencing for conviction of simple marijuana

	(Okla. Stat. tit. 63, § 2-402)	possession. (Okla. Stat., tit. 21, § 21-51.1)
Oregon	Up to \$1,000 fine (Or. Rev. Stat. § 475B.337)	No enhanced sentencing for conviction of simple marijuana possession. (Or. Rev. Stat. 137.719)
Pennsylvania	0 to 12 months; up to \$5,000 fine (35 Pa. Cons. Stat. § 780-113)	No enhanced sentencing for conviction of simple marijuana possession. (42 Pa. Cons. Stat. § 9714(a))
Rhode Island	0 to 12 months; up to \$500 fine (21 R.I. Gen. Laws § 21-28-4.01)	No enhanced sentencing for conviction of simple marijuana possession (21 R.I. Gen. Laws §12-19-21)
South Carolina	0 to 5 years; up to \$5,000 fine (S.C. Code Ann. § 44-53-370)	No enhanced sentencing for conviction of simple marijuana possession (S.C. Code Ann. § 17-25-45)
South Dakota	0 to 12 months; up to \$5,000 fine (S.D. Codified Laws § 22-42-6)	No enhanced sentencing for conviction of simple marijuana possession ( S.D. Codified Laws §§ 22-7-8, 22-42-6, 22-6-1(3), 24-15-4)
Tennessee	0 to 6 years; up to \$5,000 fine (Tenn. Code Ann. § 39-17-428)	No enhanced sentencing for conviction of simple marijuana possession (Tenn. Code Ann. § 40-35-120)
Texas	0 to 180 days; up to \$2,000 fine (V.T.C.A., Health & Safety Code § 481.12)	No enhanced sentencing for conviction of simple marijuana possession (Tex. Penal Code § 12.42)
Utah	0 to 6 months; up to \$1,000 fine (Utah Code § 58-37-8)	No enhanced sentencing for conviction of simple marijuana possession (Utah Code § 76-3-203.5)

Vermont	\$100 fine (18 V.S.A. § 4230)	No enhanced sentencing for conviction of simple marijuana possession  (3 V.S.A. § 11)
Virginia	\$25 fine (Va. Code § 18.2-250.1)	No enhanced sentencing for conviction of simple marijuana possession  (Va. Code § 19.2-297.1)
Washington	0 to 5 years; up to \$10,000 fine (Wash. Rev. Code § 69.50.4013)	No enhanced sentencing for conviction of simple marijuana possession  (Wash. Rev. Code § 9.94A.570)
West Virginia	90 days to 6 months; up to \$1,000 fine (W. Va. Code § 60A-4-401)	No enhanced sentencing for conviction of simple marijuana possession  (W. Va. Code § 61-11-18)
Wisconsin	0 to 6 months; up to \$1,000 fine (Wis. Stat. § 961.41)	1 to 2 years; up to \$1,000 fine  (Wis. Stat. § 939.62(1)(a))
Wyoming	0 to 12 months; up to \$1,000 fine (Wyo. Stat. § 35-7-1031)	No enhanced sentencing for conviction of simple marijuana possession  (Wyo. Stat. § 6-10-201)