

State and Local Drug Possession, Use or Distribution Laws

Arizona: <https://statelaws.findlaw.com/arizona-law.html>

Possession: <https://statelaws.findlaw.com/arizona-law/arizona-drug-possession-laws.html>

Overview of Arizona Drug Possession Laws

Below, you will find key provisions of Arizona's drug possession laws.

Arizona Statutes	<ul style="list-style-type: none">• Arizona Revised Statutes Title 13, Chapter 34, Sections 3401 - 3421 et. seq."
Possible Penalties	<ul style="list-style-type: none">• Dangerous Drug<ul style="list-style-type: none">• Class 4 felony, if not previously convicted of a felony and the drug was not meth or another type of amphetamine, possible reduction Class 1 misdemeanor• Fine of not less than \$2000 or 3 times the value of substance, whichever is greater• 0 to 1 year in jail if no priors, or up to 3.75 years in prison if prior convictions.• Narcotic (cocaine)<ul style="list-style-type: none">• Class 4 felony, if not previously convicted of a felony, possible reduction Class 1 misdemeanor• Fine of not less than \$2000 or 3 times the value of substance, whichever is greater• 0 to 1 year in jail if no priors, up to 15 years with 2 prior convictions• Marijuana (less than 2lbs)<ul style="list-style-type: none">• Class 6 felony if it's found to be for personal use, but can be reduced to a misdemeanor; Class 5 felony if it was personally produced; Class 4 felony if it's for sale• Fine of not less than \$2000 or 3 times the value of substance, whichever is greater• 0 to 1 year in jail if no priors, up to 3.75 with prior convictions
Defenses	<ul style="list-style-type: none">•<ul style="list-style-type: none">• Lack of Knowledge• Illegal Search• Valid Prescription• Religious Purpose• Entrapment

***Note:** State laws are always subject to change. It's important to verify the laws you're researching by conducting your own research or consulting with a qualified Arizona criminal defense attorney.*

Classification of Drugs in Arizona

State law divides illegal drugs, referred to as controlled dangerous substances (CDS), into 6 categories: marijuana, peyote, prescription drugs, dangerous drugs, narcotic drugs and substances that emit toxic vapors. Although **medical marijuana is legal in Arizona**, the recreational use of marijuana, possession with intent to sell, and the non-medical cultivation of marijuana are still serious crimes.

There are "threshold levels" for CDS that, if met, create a presumption of sales. This exposes you to a mandatory prison term even without further evidence of sales, and regardless of a lack of prior criminal history. The law **defines "threshold amount"** as a weight, market value or other form of measurement of an unlawful substance as follows:

- 1 gram of heroin
- 9 grams of cocaine
- 4 grams or 50 milliliters of PCP.
- 9 grams of methamphetamine, including methamphetamine in liquid suspension.
- 9 grams of amphetamine, including amphetamine in liquid suspension.
- 2 pounds of marijuana.

Elements of the Crime

All crimes carry a burden of proof that must be established for a guilty verdict. The crime of possession of a narcotic drug **requires the state prosecutor to prove** beyond a reasonable doubt the following two statements:

1. The defendant knowingly possessed a narcotic drug.

Simply being present where drugs are found is not enough for a conviction of possession. There must be evidence linking you to the drugs so it can reasonably be inferred that you knew about the drug's existence. Plus, the prosecutor must show that you exercised control over the drugs. A **'usable quantity' is not an element of the possession** offense nor necessary to sustain a conviction for possession.

2. The substance was in fact a narcotic drug.

The prosecutor also must clearly show that the recovered substance contains a recognized dangerous drug. The drug needs to be tested by a forensic scientist and that same scientist must later testify that the recovered substance is a dangerous drug.

Drug Possession Penalties

A conviction of any drug offense can seriously impact your life. In addition to fines and jail time, you can **lose many public benefits**. This includes any money or services provided by this state for scholarships or tuition waivers, welfare benefits, public housing or other subsidies.

After the Arizona passed Proposition 200, judges can no longer send first or second time nonviolent drug offenders to prison until their third conviction. The standard sentence is a term of probation and mandatory drug treatment (TASC Program). However, if probation is violated, a jail term can be imposed.

- Marijuana (less than 2 pounds) fines and probation, with no days in jail to 5.75 years in prison depending on prior felonies convictions.
- Marijuana (2 to 6 pounds) six months to 7.5 years in jail, plus fines.
- Controlled Dangerous Drug (below threshold amount) when charged as a class 6 felony, 4 months to 2 years of jail and a \$150,000 fine.

Distribution: <https://statelaws.findlaw.com/arizona-law/arizona-drug-distribution-laws.html>

In Arizona, drug distribution or drug trafficking is also known as the possession of drugs for sale or for the transportation for sale. Usually, if someone possesses a quantity of drugs that meets a threshold amount, it is assumed that they have the intent to sell them. Example threshold amounts for common drugs in Arizona include:

- 2 (two) pounds of **marijuana**
- 9 (nine) grams of methamphetamine
- 8 (nine) powdered grams of cocaine or three quarter (3/4) gram (750 mg) of cocaine in rock (crack) form
- 1 (one) gram of heroin
- 1/2 (a half) millimeter of LSD

If someone does not have a threshold amount of drugs, then other factors can lead to a drug distribution conviction. These factors include whether the drugs were stored or hidden away, if the person who possessed the drugs also had a lot of money on hand, or if the person who possessed the drugs also had equipment that could be used to sell drugs, such as containers, scales, baggies, measuring equipment and so on.

Arizona Drug Distribution Laws at a Glance

The penalties associated with drug distribution in Arizona are laid out in the table below.

Crime / Penalties	Code Section
<p><u>Drug Distribution or Drug Trafficking</u></p> <p>If a person knowingly:</p> <ul style="list-style-type: none">• Transports for sale...• Imports into Arizona...• Offers to transport for sale or import into Arizona...• Sells, transfers, or offers to sell or transfer.. <p>A dangerous drug, then they are guilty of the following:</p> <ul style="list-style-type: none">• Class 2 felony• Punishable by a minimum sentence of 2 years, a maximum sentence of 12.5 years• Maximum fine of \$1000 plus surcharges	<p>Arizona Revised Statutes § 13-3407</p>

California: <https://statelaws.findlaw.com/california-law.html>

Possession: <https://statelaws.findlaw.com/california-law/california-drug-distribution-laws.html>

Overview of California Drug Possession Laws

California state laws include two broad categories for crimes of drug possession: simple possession and possession with the intent to sell. The California Health and Safety Code also separates offenses related to controlled substances formerly classified under state law as narcotics or "restricted dangerous drugs" from offenses related to marijuana. California laws also establish separate offenses related to phencyclidine (PCP) and methamphetamine.

Possession for Sale

A prosecutor can charge a defendant with simple possession when the defendant possessed one of the substances listed under the Health and Safety Code. A prosecutor may charge a defendant with "**possession for sale**" or "purchase for the purpose of sale" if the state believes that the defendant intended to engage in drug dealing.

Penalties and Sentences After Prop 47

California sets penalties for drug possession that vary depending on the type of drug, the amount of the drug, and the purpose for which the defendant had possession of the drug. The sentencing structure for drug possession changed after California voters passed the controversial **Proposition 47** in 2014. This new law made many drug possession offenses punishable as a misdemeanor only and allowed those serving time in a state prison for drug possession charges to petition the court for resentencing. Certain inmates cannot petition the court for resentencing such as anyone convicted for rape or murder, or any **registered sex offenders**.

Recreational Marijuana Decriminalized

In 2016, voters decriminalized recreational marijuana under Proposition 64, the [Adult Use of Marijuana Act](#). Under the new law, adults 21 and over may purchase, possess, and consume up to 28.5 grams of marijuana and 8 grams of concentrated marijuana in their private residence or in an establishment licensed for marijuana consumption. Smoking remains illegal while driving a vehicle, anywhere smoking tobacco is prohibited, and in all public places.

Additionally, possession on the grounds of a school, day care center, or youth center while children are present remains illegal. Furthermore, a person is permitted to grow up to six plants within a private home, as long as the area is locked and not visible from a public place.

Medical marijuana laws and regulations remain intact, while patients with a doctor's recommendation are exempt from sales tax.

California Drug Possession Laws Overview

Below you will find key provisions of California's drug possession laws.

Statutes	California Health and Safety Code Division 10, Chapter 6, Sections 11350-11651 et. seq. (Uniform Controlled Substances Act)
Penalties	<p>Possession of Controlled Substances, Not Marijuana</p> <p>After Prop 47, following crimes are punished as misdemeanors only, with penalties including up to one year in the county jail, <i>not state prison</i>:</p> <ul style="list-style-type: none">• Schedule I opiates, opium derivatives, cocaine base, mescaline, peyote, or synthetic cannabis (including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers)• Schedule II narcotics or opiates• Schedule III hallucinogens, and• Schedule III, IV or V <p>Possession of Marijuana</p> <ul style="list-style-type: none">• Possession <i>of more than 28.5 grams of marijuana</i>, other than concentrated cannabis, is punishable by incarceration of up to 6 months, a fine of not more than \$500, or both• Possession of <i>not more than 28.5 grams of marijuana</i>, legal for those 21 and over, an infraction for those 18 and under (mandatory drug education course and community service) <p>Possession of Concentrated Cannabis</p> <ul style="list-style-type: none">• Possession of up to 8 grams of concentrated cannabis is legal, over 8 grams is punishable by incarceration of up to 1 year, a fine of up to \$500, or both
Possible Defenses	<ul style="list-style-type: none">• Medical necessity• Prescription issued by a doctor• Unlawful search resulting in seizure of drugs• Problem with lab analysis• Entrapment or improper police conduct
Classification of Controlled Dangerous Drugs/Uniform Controlled Substances Act	See the Uniform Controlled Substances Act : As of November, 2014 certain controlled substances are punished as misdemeanors only as noted above.

Distribution: <https://statelaws.findlaw.com/california-law/california-drug-distribution-laws.html>

California's drug distribution laws broadly criminalize the sale, transport, transfer, and import of controlled substances (although up to 28 g of marijuana may be transported or transferred by adults over the age of 21). In addition, **drug distribution crimes** may include prescription drugs if the defendant did not have a license to dispense the drugs or improperly sold the drugs. A prosecutor might pursue criminal charges against an individual or group engaging in the sale of drugs in a community, the transport of drugs from one county to another, or the import of drugs.

For a charge of drug distribution such as sale or transport, a prosecutor must be able to differentiate the defendant's conduct from possession of drugs for personal use. The prosecutor may try to establish the state's case by introducing evidence of drug sales or distribution. This evidence might include the amount of drugs attributed to the defendant and items such as packaging materials, scales, weapons, and other paraphernalia that may show possession for sale rather than personal use.

Enhancements for Crimes Involving Minors

State law includes enhancements to further penalize adults who involve minors in drug-related activities such as distribution or trafficking, who conduct drug-related activities in close proximity to schools or other areas designated for children, or who directly sell drugs to minors.

California Drug Distribution Laws Overview

Below you will find key provisions of California's drug distribution laws. The penalties available for a conviction on drug distribution or trafficking charges depend on the type of drug, the activity, the defendant's prior criminal record, and any applicable sentencing enhancements permitted by California law.

Statutes	California Health and Safety Code Sections 11351-11379 et. seq. (Uniform Controlled Substances Act)
Penalties	<ul style="list-style-type: none">• Transport, import, transfer, or sale of controlled substances may result in felony sentencing of 3 to 5 years. Transport from one California county to a non-contiguous county can result in an increased sentence of 3 to 9 years of imprisonment.• Crimes involving the hiring or employment of minors to sell or distribute controlled substances, or the sale of controlled substances to minors, can result in sentences of 3, 6, or 9 years in state prison.• California law allows adults 21 and older to transport less than 28.5 grams (or less than 8 g marijuana concentrate).• California law also criminalizes the transport, import, transfer, or sale of chemicals used as ingredients for the manufacture of phencyclidine (PCP) and methamphetamine, or the transport, import, transfer, or sale of the drugs themselves. Conviction may result in sentences of imprisonment lasting sixteen months to six years <p><i>Note: In addition, state law allows the prosecutor to pursue increased punishments if the defendant has committed prior offenses.</i></p>
Possible Defenses	<ul style="list-style-type: none">• Possession for personal use• Entrapment
Selling Drugs Near a School	California law also includes a sentencing enhancement when drug-related distribution activities occur within 1,000 feet of schools, school-related programs, or playgrounds during operational hours, additional one to two years in prison. If you are at least four years older than the minor involved, you face a separate and additional one , two or three years state prison.

Colorado: <https://statelaws.findlaw.com/colorado-law.html>

Possession: <https://statelaws.findlaw.com/colorado-law/colorado-drug-possession-laws.html>

Many states, in an effort to relieve overcrowding in prisons, have loosened the penalties for non-violent drug offenders. But while Colorado has legalized the **possession and recreational use of marijuana** (within certain limits), the possession of most controlled substances remains a felony in the state. And while the federal **Drug Enforcement Agency** (DEA) has allowed state legalization efforts to proceed unabated, marijuana possession is still technically illegal under federal law. But even the smallest amount of heroin or methamphetamine, for example, can land you in jail for up to 18 months.

Colorado's Controlled Substance Classifications

Each state classifies controlled substances (including both illicit drugs and those restricted to prescription use) are organized into "schedules" for purposes of crime classifications and penalties. The **drug classifications** in most states, including Colorado, are modeled after those established by the federal government. Examples of specific drugs listed in each of the controlled substance schedules are listed below:

- **Schedule I:** heroin, LSD
- **Schedule II:** opium, codeine, methamphetamine
- **Schedule III:** hydrocodone, anabolic steroids, ketamine
- **Schedule IV:** lorazepam
- **Schedule V:** buprenorphine

Colorado Drug Possession Laws at a Glance

Below you will find basic information about Colorado's **drug possession laws**, including specific information about marijuana possession in the state.

Statutes	Colorado Revised Statutes § 18-18-403.5 , et seq.
Statutory Definition of Offenses	It is unlawful for a person knowingly to possess a controlled substance . A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of this state.
Drug Possession Charges	<i>Possession of Drug Paraphernalia:</i> Drug petty offense (fine of up to \$100). <i>Possession of a Controlled Substance</i> <ul style="list-style-type: none">• 4g or less of a substance with any amount of flunitrazepam, ketamine, or any other Schedule I or Schedule II substance: Class 6 felony• More than 4g of a substance with any amount of flunitrazepam, ketamine, or any other Schedule I or Schedule II substance: Class 4 felony• 2g or less of a substance with any amount of methamphetamines: Class 6 felony• More than 2g of a substance with any amount of methamphetamines: Class 4 felony• Substance with any amount of a Schedule III, IV, or V substance (other than flunitrazepam or ketamine): Class 1 misdemeanor

Possession of Marijuana	<p><i>1 oz or less:</i> No penalty</p> <p><i>1 - 2 oz:</i> Petty offense, \$100 fine</p> <p><i>Open and public displays or uses of less than 2 oz:</i> Petty offense, up to 15 days in jail and/or \$100 fine</p> <p><i>2 - 6 oz:</i> Class 2 misdemeanor,</p> <p><i>6 - 12 oz:</i> Class 1 misdemeanor, up to 18 months jail, up to \$10,000 fine</p> <p><i>More than 12 oz of marijuana or 3 oz of marijuana concentrate:</i> Class 6 felony</p>
Habitual Offenders	<p><i>2 Prior Offenses:</i> Defendant, if convicted of a third felony within a 10-year period, will be sentenced to a prison term three times as long as the maximum penalty for the underlying conviction.</p> <p><i>3 or More Prior Offenses:</i> Defendant, if convicted of a fourth felony within a 10-year period, will be sentenced to a prison term four times as long as the maximum penalty for the underlying conviction.</p>
Penalties	<ul style="list-style-type: none"> • <i>Class 4 Felony:</i> 2-6 yrs. in prison, \$2,000-\$500,000 in fines • <i>Class 5 Felony:</i> 1-3 yrs. in prison, \$1,000-\$100,000 in fines • <i>Class 6 Felony:</i> 1-1.5 yrs. jail, up to \$100,000 fine • <i>Class 1 Misdemeanor:</i> Up to 18 months jail, up to \$10,000 fine • <i>Class 2 Misdemeanor:</i> Up to 1 yr. in jail, up to \$1,000 fine

Distribution: <https://statelaws.findlaw.com/colorado-law/colorado-drug-trafficking-laws.html>

In the context of illicit drugs, the term "trafficking" refers to the act of moving large quantities of drugs for distribution, often involving multiple states and/or international transactions.

While most states have no specific charge for *drug trafficking*, per se, charges and penalties for **distributing illicit drugs** are based primarily on the amount and type of drug.

In Colorado, the sale or distribution of more than 112 grams of methamphetamine or heroin, for instance, can land you in prison for up to 32 years. But being convicted of distributing the same amount of anabolic steroids will result in a maximum prison sentence of six years.

Trafficking Legally Grown Marijuana to Other States

The legality -- at least under state law -- of **recreational marijuana in Colorado**, raises questions about its sale beyond state boundaries. Colorado law makes it clear that legally produced marijuana ceases to be legal once it crosses state borders. While failure to comply with Colorado medical or recreational marijuana regulations can result in drug charges (listed in the table below), it's more common for authorities in the destination states to file charges of possession or possession with intent to sell against the recipient. If it crosses state lines, the Federal **Drug Enforcement Administration** (DEA) may also be more inclined to take action (especially if suspects in multiple states are part of the same investigation).

An Overview of Colorado Drug Trafficking Laws

The way that statutes are written can make it difficult to get a quick and straightforward answer to a legal question. For this reason, it can be helpful to read a summary of the statute in plain English. An overview of Colorado drug trafficking laws, specifically the charges and penalties under state law, is provided in the following chart.

Statute(s)	Colorado Revised Statutes Title 18. Article 18, Part 4, Section 18-18-405 , et seq. (<i>Unlawful Distribution, Manufacturing, Dispensing, or Sale</i>)
Statutory Definition of Offense	It's unlawful for any person to knowingly: <ul style="list-style-type: none">• manufacture, dispense, sell, or distribute, or to possess with intent to manufacture, dispense, sell, or distribute, a controlled substance;• induce, attempt to induce, or conspire with one or more other persons, to manufacture, dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or• possess one or more chemicals or supplies or equipment with intent to manufacture a controlled substance.
Charges for Sales and Distribution of Controlled Substances (Excluding Marijuana)	<p>Level 1 drug felony: Any material, compound, mixture, or preparation that weighs:</p> <ul style="list-style-type: none">• Over 225g and contains a schedule I or II drug;• Over 112g and contains methamphetamine, heroin, katamine, or cathinones;• Over 50mg and contains flunitrazepam; or• Transfer of any amount to a minor. <p>Level 2 drug felony: Any material, compound, mixture, or preparation that's transferred to a minor or which weighs:</p> <ul style="list-style-type: none">• 14-225g and contains a schedule I or II drug;• 7-112g and contains methamphetamine, heroin, katamine, or cathinones;• 10-50g and contains flunitrazepam. <p>Level 3 drug felony: Any material, compound, mixture, or preparation that weighs:</p> <ul style="list-style-type: none">• Up to 14g and contains a schedule I or II drug;• Up to 7g and contains methamphetamine, heroin, katamine, or cathinones;• Up to 10g and contains flunitrazepam; or• Over 4g and contains a schedule III or IV drug. <p>Level 1 drug misdemeanor:</p> <ul style="list-style-type: none">• A schedule V drug; or• Transfer (without an actual sale) of 4g or less of a schedule III or IV drug.

Marijuana Sales and Distribution Charges (When Regulations are Violated)	<p><i>Level 1 drug felony:</i> Over 50 lbs. marijuana or over 25 lbs. concentrate</p> <p><i>Level 2 drug felony:</i> 5-50 lbs. marijuana or 2.5-25 lbs. concentrate</p> <p><i>Level 3 drug felony:</i> 12 oz.-5 lbs. marijuana or 6 oz.-2.5 lbs. concentrate</p> <p><i>Level 4 drug felony:</i> 4-12 oz. marijuana or 2-6 oz. concentrate</p> <p><i>Level 1 drug misdemeanor:</i> Under 4 oz. marijuana or under 2 oz. concentrate</p>
Penalties	<p><i>Level 1 drug felony:</i> 8-32 yrs. in prison, \$5,000-\$1 million in fines</p> <p><i>Level 2 drug felony:</i> 4-16 yrs. in prison, \$3,000-\$750,000 in fines</p> <p><i>Level 3 drug felony:</i> 2-6 yrs. in prison, \$2,000-\$500,000 in fines</p> <p><i>Level 4 drug felony:</i> 6 mos.-2 yrs. in prison, \$1,000-\$100,000 in fines</p> <p><i>Level 1 drug misdemeanor:</i> 6-18 mos. in jail, \$500-\$5,000 in fines</p>

Montana: <https://statelaws.findlaw.com/montana-law.html>

Cocaine: <https://statelaws.findlaw.com/montana-law/montana-cocaine-laws.html>

Cocaine is an illegal drug in all states, with separate charges for possession, sales, and trafficking. Montana **cocaine laws** are similar to those in other states. Simple possession can result in up to five (5) years in prison and a \$50,000 fine.

Montana Drug Court: An Alternative To Incarceration

Defendants with relatively clean criminal records may qualify for a first-time offender waiver in their county or jurisdiction. This allows offenders to enter a drug treatment program, perform community service, and serve **probation instead of prison time**.

What is Drug Court in Montana?

Drug court is a court that has special calendars or dockets designed to work with non-violent offenders to reduce repeat crimes and substance abuse by increasing their likelihood for successful rehabilitation. The offender will need to complete judicially-supervised treatment, mandatory periodic drug testing, and the use of appropriate sanctions and incentives.

Montana's first drug court began operating in Missoula in 1996, and there are now 26 drug courts operating state-wide at the district and limited jurisdiction level.

Am I Eligible To Receive Treatment Through Drug Court?

Practices for determining defendants' eligibility for drug court participation vary but typically involve screening defendants for their criminal history, current case information, and their substance use. Drug court participants range from non-violent offenders charged with drug-related offenses who have substance addictions, to relatively medium risk defendants with extensive criminal histories who failed prior substance abuse treatment experiences.

Enhanced Penalties: Cocaine Sales

Possessing cocaine with the intent to sell it is punishable with a fine of up to \$50,000, up to 20 years in prison, or both.

Montana's cocaine laws are summarized in the box below. See FindLaw's [Drug Charges](#) section for more articles and resources.

Code Section	45-9-101, et seq.; 50-32-101, et seq.
Possession	Up to 5 yrs. and/or \$50,000; Criminal possession with intent to sell: up to 20 yrs. and/or \$50,000.
Sale	Possessing Controlled Dangerous Substance (CDS) with the intent to distribute, no matter what the amount, is a felony that carries jail time of up to 20 years and a fine of up to \$50,000.
Trafficking	Criminal production/manufacture: 5 yrs. to life and/or \$50,000; Subsequent offense: 20 yrs. to life and/or \$50,000; Third offense: 40 yrs. to life and/or \$50,000

Heroin: <https://statelaws.findlaw.com/montana-law/montana-heroin-laws.html>

Federal and all state laws prohibit the [sale and possession of heroin](#) and other opium derivatives. Heroin is an illegal and considered a highly addictive [controlled substance](#). Some authorities suggest that the U.S. is going through a "[heroin epidemic](#)." It can be smoked, snorted or injected. When a person uses heroin, the euphoric effects can be immediate.

Montana Heroin Laws

In Montana, as in most other states, possession and/or the sale and trafficking of heroin brings stiff penalties.

It is [illegal](#) to possess any amount of heroin in Montana. As the amount increases, so does the severity of the crime, and the possible sentence. Possession of any controlled substance with a total weight of less than 15 grams is a [Class 4 felony](#) with a penalty of 1-years in the [Department of Corrections](#) and a possible fine of up to \$25,000.

Drug Courts

Begun with the help of federal funds, Montana's drug courts seek to address the issues caused by addiction that lead offenders to commit crimes. Montana has adult, family, and juvenile drug courts in multiple Judicial Districts.

Other Penalties

There are a variety of other penalties that come along with a conviction of a heroin-related crime. Convictions may lead to loss of federal funding - including school loans. There are severe penalty enhancements if a [firearm](#) was present at the scene, you were in a protected zone (like a school zone), a child was present, selling to a minor, and selling in a correctional facility.

Forfeiture

Vehicles and other property may be seized for controlled substance violations. However, a vehicle may not be seized if it was used or intended for use for transporting 60 grams of marijuana or less. Within 45 days of seizure of the property, the seizing agency must file a forfeiture proceeding. The court will then [issue a summons](#) and notice to all those with interest in the property. Those with an interest must file an answer within 20 days after the service of the summons, or the property is forfeited to the state.

Charges and penalties under Montana's heroin laws are listed in the following table. See FindLaw's [Drug Charges](#) section for more articles and resources.

Code Section	45-9-101, et seq.; 50-32-101, et seq.
Possession	Up to 5 yrs. and/or \$50,000; Criminal possession with intent to sell: up to 20 yrs. and/or \$50,000.
Sale	2 yrs. to life and/or \$50,000 (4 yrs. if sale to minor); Subsequent offense: 10 yrs. to life and/or \$50,000 (20 yrs. if sale to minor); Third offense: not less than 20 yrs. and/or \$50,000 (40 yrs. if sale to minor); Offense of criminal sale of dangerous drugs on or near school property: 3 yrs. to life and/or \$50,000
Trafficking	Criminal production/manufacture: 5 yrs. to life and/or \$50,000; 2nd offense: 20 yrs. to life and/or \$50,000; 3rd offense: 40 yrs. to life and/or \$50,000.

Marijuana: <https://statelaws.findlaw.com/montana-law/montana-marijuana-laws.html>

Montana Marijuana Laws

Marijuana laws are changing rapidly, with many states, including Montana, now allowing for use of the herb for medical purposes.

Federal Laws

Even though some states have legalized recreational and [medical use of marijuana](#), it's still illegal under federal laws. Federal laws prohibit possession of any amount of marijuana. A first conviction is punishable by up to one year in jail and a \$1,000 fine. A second possession offense carries a minimum 15 day jail, with a maximum of two years in jail and a maximum \$2,500 fine. A third and subsequent offense has a minimum jail time of 90 days with a maximum of three years and \$5,000 fine.

Sale and cultivation of marijuana carry even higher fines and punishment under federal law. First offenses can put someone in jail for five years, and large amounts can put someone in jail for life, with a one million dollar fine.

State Laws

In addition to federal law, state law in Montana also regulates marijuana possession, sale, and manufacture. Since a ballot initiative in 2004, Montana has also [decriminalized the use of medical marijuana](#) under certain circumstances. However, in 2011, the state legislature restricted the use of medical marijuana by limiting dispensaries to 3 users and requiring state review of doctors prescribing medical marijuana to more than 25 patients per year. The voters responded in 2016 by approving another [ballot initiative](#) removing those restrictions and expanding medical marijuana use in the state.

Medical Marijuana Requirements

In order to lawfully use medical Marijuana in Montana, you must hold a current "registry identification card" issued by the State of Montana. If you're not authorized to use medical marijuana, your use of marijuana within Montana may be looked upon as criminal activity.

In order to grow and use marijuana under the Montana medical marijuana law, patients and caregivers need to register with the Quality Assurance Division of the Department of Public Health and Human Services.

Montana Marijuana Laws At a Glance

Charges and penalties under Montana's marijuana laws are listed in the following table. See FindLaw's [Drug Charges](#) section for more articles and resources.

Statutes	<p>Montana Code Section 45-9-101 (criminal distribution of dangerous drugs)</p> <p>Montana Code Section 50-32-101 (marijuana definitions)</p> <p>Montana Code Section 50-46-301 (medical marijuana)</p>
Possession	<p><i>First conviction.</i> Penalties include a fine of between \$100 and \$500, and up to six months in jail.</p> <p><i>Second or subsequent conviction.</i> Penalties include a fine of up to \$1,000 and up to three years in prison.</p>
Sale	A fine of up to \$50,000, imprisoned for between one (1) year and life imprisonment, or both. Selling to a minor may incur an additional \$50,000 fine, at least two (2) years in prison, or both.
Manufacture	<p><i>Up to one (1) pound or 30 plants.</i> Penalties include a fine of up to \$5,000, up to 10 years in prison, or both.</p> <p><i>More than one (1) pound or 30 plants.</i> Penalties include a fine of up to \$50,000, and between two (2) years and life imprisonment.</p> <p><i>Second and subsequent convictions.</i> Penalties include a fine of up to \$100,000, and twice the applicable prison sentence imposed for a first offense for the amount possessed.</p>

Nevada: <https://statelaws.findlaw.com/nevada-law.html>

Cocaine: <https://statelaws.findlaw.com/nevada-law/nevada-cocaine-laws.html>

State Cocaine Laws

As a Schedule I narcotic, every state criminalizes the possession, sale, or trafficking of cocaine, though their particular **cocaine laws** may vary in terms of penalties. As a felony crime in Nevada, the sale of cocaine could mean up to 20 years in prison and even simple possession could mean 6 years in prison, depending on the amount and other factors.

Cocaine Statutes in Nevada

It's not just state cocaine laws you have to worry about: federal narcotics laws also prohibit everything from simple cocaine **possession** all the way up to **manufacturing and cultivation** and **trafficking and distribution**. Federal penalties for cocaine possession or sale across state lines can be severe.

The following table outlines Nevada's cocaine laws.

Code Section	453.011; NAC 453.510
Possession	1-6 yrs. and \$5000; Subsequent offense: 1-10 yrs. and \$10,000; Third offense: 1-20 yrs. and \$20,000
Sale	1-20 yrs. and \$20,000; Subsequent offense: 5-20 yrs. and \$20,000; Third offense: life or 15 yrs. mandatory and \$20,000
Trafficking	4-14 g.: 1-6 yrs. and \$50,000; 14-28 g.: 2-15 yrs. and \$100,000; Over 28 g.: 25-life and \$500,000; Double penalties for sale near school

Heroin: <https://statelaws.findlaw.com/nevada-law/nevada-heroin-laws.html>

Heroin Statutes in Nevada

Heroin possession, sale, and trafficking are felony crimes in nearly every state. The charges and penalties under Nevada's heroin laws are listed below in this brief summary below.

Code Section	453.011, NAC 453.510
Possession	1-6 yrs. and \$5000; Subsequent offense: 1-10 yrs. and \$10,000; Third offense: 1-20 yrs. and \$20,000
Sale	1-20 yrs., and \$20,000; Subsequent offense: 5-20 yrs. and \$20,000; Third offense: life or 15 yrs. mandatory and \$20,000
Trafficking	4-14 g.: 1-6 yrs. and \$50,000; 14-28 g.: 2-15 yrs. and \$100,000; Over 28 g.: 25 yrs. and \$500,000; Double penalties for sale near school

Marijuana: <https://statelaws.findlaw.com/nevada-law/nevada-marijuana-laws.html>

Nevada Marijuana Laws: An Overview

While marijuana use, regardless of the purpose, is still prohibited under federal law, the legalization of marijuana first for medical use and now for recreational use has created an opening in the law for residents of Nevada. Learn more about Nevada's specific marijuana laws by referring to the chart below.

Code Sections	Nevada Revised Statute Section 453A.010 et seq. (medical use of marijuana) <i>*Check back for statutory changes reflecting the new ballot initiative legalizing recreational marijuana use, including regulations for business licenses that will phase in over time.</i>
Possession Limits	Authorized patients can have no more than 2.5 ounces of usable medical marijuana every 14 days.
Home Cultivation	Authorized patients can have no more than 12 marijuana plants for medical purposes.
Additional Limitations	The number of state-issued certificates for medical marijuana dispensaries per county is limited by population follows: <ul style="list-style-type: none">• <i>55,000 to 100,000.</i> Two• <i>100,000-700,000.</i> Ten• <i>700,000 or More.</i> Forty

New Mexico: <https://statelaws.findlaw.com/new-mexico-law.html>

Cocaine: <https://statelaws.findlaw.com/new-mexico-law/new-mexico-cocaine-laws.html>

State Cocaine Laws

Cocaine is a Schedule I narcotic, and as such the possession, sale, and trafficking of cocaine is illegal in every state. The specifics of **cocaine laws** may vary, however, generally in terms of the severity of legal punishment. For example, selling cocaine is a felony crime in New Mexico, and could mean up to 18 years in prison and a \$15,000 fine.

Cocaine Statutes in New Mexico

New Mexico's cocaine laws are highlighted below.

Code Section	New Mexico Statutes 30-31-1, et seq. : Controlled Substances
Possession	New Mexico Statutes 30-31-23 : Possession Prohibited 4th degree felony
Sale	
Trafficking	New Mexico Statutes 30-31-20 : Trafficking 2nd degree felony; Subsequent offense: 1st degree felony; Within drug-free school zone: 1st degree felony

Heroin: <https://statelaws.findlaw.com/new-mexico-law/new-mexico-heroin-laws.html>

Heroin Laws in New Mexico

The specifics of state [drug laws](#) can vary, depending on the state in which you live, the type of drug, and the amount of drugs involved. As an example, the sale of heroin in New Mexico is a felony, punishable by up to 18 years behind bars and \$15,000 in fines. New Mexico's heroin statutes are highlighted below.

Code Section	New Mexico Statutes 30-31-1, et seq. : Controlled Substances
Possession	New Mexico Statutes 30-31-23 : Possession Prohibited 4th degree felony
Sale	
Trafficking	New Mexico Statutes 30-31-20 : Trafficking 2nd degree felony; Subsequent offense: 1st degree felony; Within drug-free school zone: 1st degree felony

Marijuana: <https://statelaws.findlaw.com/new-mexico-law/new-mexico-marijuana-laws.html>

Marijuana Laws in New Mexico

For the most part, **state marijuana laws** still prohibit marijuana possession and sale in New Mexico, with penalties depending on the amount of pot involved, the location of the sale, and the criminal history of the seller. New Mexico does allow patients suffering from debilitating medical conditions to use marijuana to alleviate symptoms. New Mexico's marijuana statutes are highlighted below.

Code Section	New Mexico Statutes 30-31-1, et seq.: Controlled Substances New Mexico Statutes 26-2B-1, et seq.: Lynn and Erin Compassionate Use act
Possession	Under 1 oz.: petty misdemeanor, 15 days and \$50-\$100; 1-8 oz.: misdemeanor, 1 yr. and \$100-\$1000; Over 8 oz.: 4th degree felony; Subsequent offense: Under 1 oz.: misdemeanor, 1 yr., \$100-\$1000 Exceptions: A qualified patient or patient's caregiver shall not be subject to arrest, prosecution or penalty in any manner for the possession of or the medical use of cannabis if the quantity of cannabis does not exceed an adequate supply.
Sale	4th degree felony; If over 100 lbs., 3rd degree felony; Subsequent offense: 3rd degree felony; If over 100 lbs.: 2nd degree felony; Higher penalties if in drug-free school zone
Trafficking	-

Texas: <https://statelaws.findlaw.com/texas-law.html>

Possession: <https://statelaws.findlaw.com/texas-law/texas-drug-possession-laws.html>

Overview of Texas Drug Possession Laws

Possession of various illicit and controlled drugs may violate the **Texas Controlled Substances Act**. In order to secure a conviction for **drug possession**, a prosecutor must prove beyond a reasonable doubt that the defendant knowingly and intentionally possessed or had control over a controlled drug which he or she does not have a valid prescription or order for from a doctor for medical purposes.

Under the Texas law, there are four classes of drugs, each with their own classifications and each with their own set of penalties. Notably, marijuana is classified on its own, independent of these four classes of drugs.

Texas Drug Possession Laws: In Brief

Texas has some of the harshest [penalties for drug possession](#). Below you'll see some information on Texas drug possession laws, penalties, and possible defenses. Remember, there may be several defenses to the charges against you and you should always speak with an attorney before accepting a plea deal or admitting guilt.

Statutes	<ul style="list-style-type: none">• Texas Health and Safety Code, Title 6, Subtitle C, Chapter 481, Section 481.115 - 481.123
Possible Defenses	<ul style="list-style-type: none">• Lack of knowledge that the defendant was in possession of the controlled substance.• The drug was not intended for human consumption.• The drug was a substance for which there is an approved new drug application under the Federal Food, Drug, and Cosmetic Act; or• The drug has been approved for investigational use under the Federal Food, Drug, and Cosmetic Act and the defendant's conduct was in accord with that exemption.• The drug is medical marijuana.• The drug is a prescribed medication from a medical doctor.• Insufficient quantity <p><i>Note: Keep in mind that addiction is NOT a defense to charges. See Drug Possession Defenses to learn more.</i></p>
Penalties	<p>Penalties for drug possession in Texas will vary widely based on a few determining factors. Namely, these are:</p> <ul style="list-style-type: none">• Type of drug;• Quantity;• How the drug was stored or concealed;• Possession of additional drug paraphernalia (i.e. a scale or large amounts of money); and• Past convictions <p>As for drugs in other classes, the penalty for possession is at the very least a "Class B" misdemeanor, or a "Class A" misdemeanor, which carries a penalty of up to one year in county jail and/or a fine of no more than \$4,000, depending on the type of drug at issue. Depending on the amount of the illicit drug in the defendant's possession, the penalty can range from a third degree felony all the way up to a first degree felony. The highest penalty given in Texas for drug possession is life or 99 years in prison and/or a fine of up to \$250,000.</p>
Marijuana-Specific	<p>Possession of marijuana may be classified as light as a "Class B" misdemeanor, carrying a sentence of up to 180 days in jail and/or a fine of no more than \$10,000 for possession of two ounces or less of Marijuana. This penalty can go all the way up to life in prison and a fine of up to \$50,000 for possession of over 2,000 pounds of Marijuana.</p>

Distribution: <https://statelaws.findlaw.com/texas-law/texas-drug-trafficking-distribution-laws.html>

Overview of Texas Drug Trafficking/Distribution Laws

Drug trafficking (distributing or delivering illicit drugs) is a violation of the **Texas Controlled Substances Act**. A person may be found guilty of **drug trafficking** if he or she is proven to have knowingly delivered marijuana or any other illicit or controlled substance in any of the four groups of drugs defined and listed in the Texas Controlled Substances Act. (Marijuana is classified separately under this law.)

Example: If Bob was transporting a truck full of what he thought was sugar (and it could be proven that he truly believed it was sugar), but it turned out to be cocaine, he would not be found to have knowledge, and therefore, may not be convicted of drug trafficking. However, if Bob decided he would haul some cocaine to his friend in Houston, he would have knowledge and therefore, Bob could face being charged with drug trafficking.

Penalties and Plea Deals

Texas drug trafficking or distribution laws charge the crime as a felony upon which a wide gamut of penalties may be imposed. It may be anywhere from a state jail felony, which carries the lightest sentence, to a first degree felony, which carries the harshest. The factors influencing which sentence will be imposed are:

1. the amount of the drug being distributed or delivered; and
2. the type of drug and which of the four groups of drugs it is classified under.

The smaller the amount of a drug in a certain group, the lighter the sentence may be.

Texas has some very heavy penalties for drug trafficking. Prosecutors may often offer plea deals to defendants where they may offer a charge with a lesser penalty in exchange for information that would help them gather evidence for a higher priority investigation.

Texas Drug Trafficking/Distribution Laws Overview

Below you'll find important information about drug trafficking and distribution laws in the great state of Texas. While you may want to forge your own path in regards to your defense, consider resisting that urge and speaking with an experienced attorney.

Statutes	<ul style="list-style-type: none">• Texas Health and Safety Code, Title 6, Subtitle C, Chapter 481, Section 481.112 - 481.114
Possible Defenses	<ul style="list-style-type: none">• Lack of knowledge• Mistake of fact (For example, thinking the drug was sugar when in fact, it was cocaine.)• Duress (For example, if Bob was forced to transport the cocaine because if he refused, something bad would happen to his family.)• The substance was not intended for human consumption <p><i>Note: There is some crossover between drug trafficking and drug possession with respect to defenses.</i></p>
Penalties	<p>The sentences involved may range anywhere from 180 days to two years in state jail and/or a fine of no more than \$10,000 for a state jail felony, to life in the Texas Department of Criminal Justice or a term of 15 to 99 years in prison and/or a fine of not more than \$250,000 for the heaviest first degree felony. The harshness of the sentence imposed depends on how much of the drug is being trafficked.</p> <p><i>Example: Trafficking or distributing less than one gram of a substance in the first grouping of drugs carries a state jail felony charge, whereas trafficking 400 grams or more of any one of the same drugs carries a first degree felony charge that may include a life sentence.</i></p>

Washington: <https://statelaws.findlaw.com/washington-law.html>

Possession: <https://statelaws.findlaw.com/washington-law/washington-drug-possession-laws-.html>

The **possession** of an illegal drug can result in serious criminal charges. In Washington it's unlawful for any person to possess a controlled substance unless it was obtained from a valid prescription or was otherwise legally authorized. The severity of drug possession charges generally correlates with the type of drug and amount, as well as the existence of prior convictions and other factors.

Controlled Substances in Washington

Controlled substances include heroin, oxycodone, methamphetamine, Oxycontin, and cocaine, among others. Although Washington **allows for the legal use of marijuana** both medically and recreationally, there still are limits. For instance, for an individual under the age of 21, possession of less than 40 grams of marijuana is a misdemeanor. However, most non-cannabis drug possession charges in Washington are felonies.

Washington Drug Possession Laws at a Glance

Although it's advisable to work with an attorney for complex cases, you can begin your initial legal research with the following clear-cut overview of Washington's drug possession laws.

Statutes	Washington Revised Code: <ul style="list-style-type: none">• Section 69.50.4013 (<i>controlled substances possession</i>)• Section 69.50.4014 (<i>marijuana possession</i>)• Sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, 69.50.212 (<i>schedule lists</i>)• Section 9A:20.010 (<i>classification and designation of crimes</i>)
Possible Penalties	<p>The actual penalties will depend on the exact details of the case and many factors including the type of drug involved and the criminal history of the defendant.</p> <p>Possession of a controlled substance is a Class C felony and punishable by up to 5 years in prison and/or fines of up to \$10,000.</p> <p><i>Alternative Sentencing.</i> If a defendant meets certain criteria, the court may waive giving out a sentence within the standard sentence range and instead impose one that consists of either a prison-based alternative or a residential chemical dependency treatment-based alternative.</p>
Possible Defenses	<ul style="list-style-type: none">• Entrapment• Fourth Amendment violations• Drugs didn't belong to the defendant• Unwitting possession (the defendant didn't know that the drug was in their possession or didn't know nature of the substance)
Related Offenses	Washington Revised Code: <ul style="list-style-type: none">• Section: 69.50.4012 (<i>delivery substitution in lieu of controlled substance</i>)• Section 69.50.4121 (<i>giving or selling drug paraphernalia</i>)

Distribution: <https://statelaws.findlaw.com/washington-law/washington-drug-cultivation-and-distribution-laws.html>

If you have a controlled substance in your car, hand bag, or pocket, you could be charged with possession of drugs. Depending on the situation and the amount, you could face the more severe charge of possession with the intent to distribute, in violation of Washington's **drug distribution** laws. State law prohibits an individual from engaging in the following actions:

- **Manufacturing** or delivering – or possessing with intent to manufacture or deliver -- a controlled substance.
- Creating, delivering, or possessing a counterfeit controlled substance.
- Compensating, threatening, or otherwise involving a minor in an unlawful controlled substance transaction.

Sale and Distribution of Marijuana

Although Washington legalized marijuana for recreational use, retail sales are restricted to sales to those age 21 and older by Washington-licensed entities regulated by the state.

Cultivation of Marijuana

Like distribution, cultivation of marijuana is restricted despite the drug's legality. Only licensed growers are allowed to cultivate for recreational use. However, home cultivation is permitted for medicinal marijuana under specific circumstances.

Classification of Controlled Substances in Washington

Like many states, Washington classifies controlled substances by "schedules." The schedules (based on a federal classification) are determined by their level of danger and the connection between a high risk of addiction; in general, the higher the risk for addiction, the greater the danger level, which means that the charges associated with the more dangerous drugs correlate to more severe penalties.

Washington Drug Cultivation and Distribution Laws at a Glance

When analyzing a legal issue, it's essential to know the literal language of the relevant statutes. However, it's also useful to learn about the law by using a quick and easy explanation written in everyday terms. Read the chart below for a brief overview of Washington's drug cultivation and distribution laws.

Statutes	Washington Revised Code: <ul style="list-style-type: none">• Section 69.50.401 (<i>manufacturing/delivering/possessing with intent</i>)• Section 69.50.4011 (<i>counterfeit substances- penalties</i>)
Possible Penalties and Sentencing	The actual penalties will depend on the specific circumstances of the case (the amount and type of drug involved, and the location) and are determined by the Sentencing Reform Act and state guidelines. <ul style="list-style-type: none">• Possession with intent to distribute is categorized in the same way as manufacturing or distributing the controlled substance; all three offenses are considered equally severe and are classified as Class B felonies.• If you're convicted, you can face up to 10 years in prison and/or fines up to \$25,000, depending on the amount of the drug found.• If the drugs involved in your case are less addictive, it constitutes a Class C felony, which is punishable by 5 years in prison, fines up to \$10,000.• The cultivation of marijuana of any amount is punishable by 5 years, fines up to \$10,000.

Counterfeit Substances Penalties:

Class B felony (incarceration by up to ten years, up to \$2,500 in fines)

- Schedule I or II which is a narcotic drug or flunitrazepam classified in Schedule IV
- Methamphetamine

Class C felony (incarceration by up to five years in prison, up to \$10,000 in fines)

- Nonnarcotic Schedule I, II, III substances
- Schedule IV (other than flunitrazepam)

Penalty Enhancements:

- *Protected zones.* If the offender commits the crime near a public park or playground or school, the crime is punishable by double fines.
- *Sale to a minor.* The minor is at least 3 years younger than the perpetrator.
- *Firearm/deadly weapon.* The offender committed crime while in possession of a firearm or deadly weapon.

Possible Defenses

- Personal use possession
- Entrapment
- Fourth Amendment violations

Related Offenses

Washington Revised Code:

- Section [69.50.4015](#) (*involving a minor in unlawful drug transaction*)
- Section [69.50.4013](#) (*controlled substances possession*)
- Section: [69.50.4012](#) (*delivery substitution in lieu of controlled substance*)