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S.137

Introduced by Committee on Judiciary

Date:

Subject: Crimes; regulated drugs; selling and dispensing marijuana

Statement of purpose of bill as introduced: This bill proposes to clarify the circumstances under which a person commits a civil rather than a criminal offense for dispensing marijuana, and to raise the felony threshold for selling and dispensing marijuana and hashish.

An act relating to penalties for selling and dispensing marijuana

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) No person shall knowingly and unlawfully possess more than one ounce of marijuana or more than five grams of hashish or cultivate marijuana. For a first offense under this subdivision (A), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this

1 subdivision shall be imprisoned not more than six months or fined not more
2 than \$500.00, or both.

3 * * *

4 (b) Selling or dispensing.

5 (1) A person knowingly and unlawfully selling marijuana or hashish
6 shall be imprisoned not more than two years or fined not more than
7 \$10,000.00, or both.

8 (2) A person knowingly and unlawfully selling or dispensing ~~one-half~~
9 more than one ounce or more of marijuana or ~~2.5~~ more than five grams or
10 ~~more~~ of hashish shall be imprisoned not more than five years or fined not more
11 than \$100,000.00, or both.

12 (3) A person knowingly and unlawfully selling or dispensing one pound
13 or more of marijuana or 2.8 ounces of hashish shall be imprisoned not more
14 than 15 years or fined not more than \$500,000.00, or both.

15 * * *

16 Sec. 2. 18 V.S.A. § § 4230a, 4230b, and 4230c are amended to read:

17 § 4230a. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE

18 OR OLDER; CIVIL VIOLATION

19 (a) A person 21 years of age or older who knowingly and unlawfully
20 possesses or dispenses one ounce or less of marijuana or five grams or less of

1 hashish commits a civil violation and shall be assessed a civil penalty as
2 follows:

- 3 (1) not more than \$200.00 for a first offense;
4 (2) not more than \$300.00 for a second offense;
5 (3) not more than \$500.00 for a third or subsequent offense.

6 (b)(1) Except as otherwise provided in this section, a person 21 years of
7 age or older who possesses or dispenses one ounce or less of marijuana or five
8 grams or less of hashish or who possesses paraphernalia for marijuana use
9 shall not be penalized or sanctioned in any manner by the State or any of its
10 political subdivisions or denied any right or privilege under State law.

11 (2) A violation of this section shall not result in the creation of a
12 criminal history record of any kind.

13 * * *

14 § 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS
15 OF AGE; FIRST OR SECOND OFFENSE; CIVIL VIOLATION

16 (a) Offense. Except as otherwise provided in section 4230c of this title, a
17 person under 21 years of age who knowingly and unlawfully possesses or
18 dispenses one ounce or less of marijuana or five grams or less of hashish
19 commits a civil violation and shall be referred to the Court Diversion Program
20 for the purpose of enrollment in the Youth Substance Abuse Safety Program.
21 A person who fails to complete the program successfully shall be subject to:

