

MARIJUANA REFERENCE CARD

(Effective date 2/22/2021)

| DISTRIBUTION of MARIJUANA 2C:35-5(b) | | |
|---|---|---|
| <u>§§</u> | <u>Amount</u> | <u>Degree</u> |
| 10(a) | 25 lbs. or more | First |
| 10(b) | 5 lbs. or more but less than 25 lbs. | Second |
| 11(b) | More than 1 oz. but less than 5 lbs. | Third |
| 12(b) | 1 oz. or less (see "arrest/detention" below) | Written warning (first), Fourth (subsequent) |

| DISTRIBUTION of HASHISH 2C:35-5(b) | | |
|---|--|---|
| <u>§§</u> | <u>Amount</u> | <u>Degree</u> |
| 10(a) | 5 lbs. or more | First |
| 10(b) | 1 lb. or more but less than 5 lbs. | Second |
| 11(b) | More than 5 g. but less than 1 lb. | Third |
| 12(b) | 5 g. or less (see "arrest/detention" below) | Written warning (first), Fourth (subsequent) |

| POSSESSION of MARIJUANA 2C:35-10(a) | | |
|--|---|----------------|
| <u>§§</u> | <u>Amount</u> | <u>Degree</u> |
| (3)(b) | More than 6 oz. (see "arrest/detention" below) | Fourth |
| (4)(b) | 6 oz. or less | NOT an offense |

| POSSESSION of HASHISH 2C:35-10(a) | | |
|--|---|----------------|
| <u>§§</u> | <u>Amount</u> | <u>Degree</u> |
| (3)(b) | More than 17 g. (see "arrest/detention" below) | Fourth |
| (4)(b) | 17 g. or less | NOT an offense |

| NO LONGER CRIMES WHEN THEY RELATE TO MARIJUANA OR HASHISH: | |
|---|---|
| 2C:35-10(b) | Under the Influence of marijuana or hashish |
| 2C:35-10(c) | Failure to Properly Dispose of marijuana or hashish |
| 2C:36-2 | Possession of Drug Paraphernalia if used, or intended to be used, for marijuana or hashish |
| 39:4-49.1 | Possession of marijuana or hashish by a Motor Vehicle Operator |

SEARCH AND SEIZURE

| Odor | Arrest/Detention | Distribution of Large Amounts | Seizing Marijuana |
|---|--|--|--|
| The odor of marijuana or hashish, burned or raw, by itself does not establish "reasonable articulable suspicion" to initiate a stop/search of a person to determine: <ul style="list-style-type: none"> distribution of marijuana of 1 ounce or less, 2C:35-5(b)(12)(b), or possession of any amount of marijuana, 2C:35-10(a)(3) and (a)(4). | Officers shall not search, arrest, detain, or otherwise take into custody any individual solely for: <ul style="list-style-type: none"> distributing 1 ounce or less of marijuana, 2C:35-5(b)(12)(b), or possessing any amount of marijuana, 2C:35-10(a)(3) and (a)(4). *Includes detaining for fingerprinting* | If there are other indications of distribution of large amounts of marijuana or other unlawful activity, the officer may detain, search, investigate, or arrest. | Because marijuana is still a controlled dangerous substance, you may still seize the marijuana, even if you cannot charge the individual for it. |

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NEW RULES FOR INDIVIDUALS UNDER 21

| Violations by Individuals Under 21 (2C:33-15) | | | |
|--|--|--|--|
| Possession or consumption of any amount of marijuana, hashish, cannabis, or alcohol | 2C:33-15(a)(1) *cannot fingerprint or photograph for these violations* | First Violation | Written warning (including name, address, & DOB); if under 18, shall provide written notification concerning the violation to the juvenile’s parent/guardian. |
| | | Second Violation | Written warning (including name, address, DOB & informational materials on how to access community services agency/organization); if under 18, shall provide written notification of the second violation to the juvenile’s parent/guardian. |
| | | Third or Subsequent Violation | Written warning (including name, address, DOB, & referral for accessing a community services agency/organization); shall give notice of the violation to the community services agency to initiate contact with the underage individual; if under 18, shall provide written notification of the third or subsequent violation to the juvenile’s parent/guardian. |
| Possession of more than 6 ounces of marijuana or 17 grams of hashish | 2C:35-10(a)(3)(b) | Fourth-degree crime, may issue a complaint-summons | |

| Investigation and Prosecution of 2C:33-15(a)(1) (possession or consumption of marijuana, hashish, cannabis, or alcohol when an individual is under the age of 21) |
|---|
| <ul style="list-style-type: none"> • You CANNOT ask for consent from someone under 21 to search for a violation of 2C:33-15(a)(1), and they CANNOT give consent. If reason to believe other criminal activity afoot, you may ask and they may grant consent in relation to that other violation. • Odor of marijuana, hashish, or alcohol NOT reasonable articulable suspicion to initiate a stop, NOR probable cause to search the property/vehicle of someone under 21 for 2C:33-15(a)(1). • Unconcealed possession of alcohol, marijuana, hashish, or cannabis item in violation of 2C:33-15(a)(1) observed in plain sight is NOT probable cause to search someone or their property of vehicle under 21 for any further violation of 2C:33-15(a)(1) or violation of any other law. • You CANNOT arrest, detain, or otherwise take into custody, or transport to a police station, police headquarters, or other place of law enforcement operations, someone under 21 who violates 2C:33-15(a)(1), except to the extent that detention or custody at or near the location where the incident occurred is required to issue a written warning or collect the information necessary to provide notice of a violation to a parent/guardian; the underage individual may be arrested, detained, or otherwise taken into custody for committing another violation of law. • When responding to a violation of, or a suspected violation, of 2C:33-15(a)(1), if you are equipped with a BWC, it MUST be activated and remain activated throughout the encounter. |
| An officer may be charged with the <u>crime of deprivation of civil rights</u> if the officer <u>knowingly</u> violates the above. This does not require the officer have acted with the purpose to intimidate or discriminate against a person because of race, color, religion, gender, handicap, sexual orientation, or ethnicity. |