

**MARIJUANA REFERENCE CARD**

(Effective date 2/22/2021)

<b>DISTRITBUTION of MARIJUANA 2C:35-5(b)</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)

<b>DISTRITBUTION of HASHISH 2C:35-5(b)</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)

<b>POSSESSION of MARIJUANA 2C:35-10(a)</b>		
<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

<b>POSSESSION of HASHISH 2C:35-10(a)</b>		
<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

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

<b>SEARCH AND SEIZURE</b>			
<b>Odor</b>	<b>Arrest/Detention</b>	<b>Distribution of Large Amounts</b>	<b>Seizing Marijuana</b>
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"> <li>distribution of marijuana of 1 ounce or less, 2C:35-5(b)(12)(b), or</li> <li>possession of any amount of marijuana, 2C:35-10(a)(3) and (a)(4).</li> </ul>	Officers shall not search, arrest, detain, or otherwise take into custody any individual solely for: <ul style="list-style-type: none"> <li>distributing 1 ounce or less of marijuana, 2C:35-5(b)(12)(b), or</li> <li>possessing any amount of marijuana, 2C:35-10(a)(3) and (a)(4).</li> </ul> <b>*Includes detaining for fingerprinting*</b>	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.

**MARIJUANA REFERENCE CARD**

(Effective date 2/22/2021)

**NEW RULES FOR INDIVIDUALS UNDER 21**

<b>Charges for Individuals Under 21 (2C:33-15)</b>			
Possession or consumption of <b>any amount</b> of marijuana, hashish, cannabis, or alcohol	2C:33-15(a)(1)  <b>*cannot fingerprint</b> or <b>photograph</b> for these violations*	First Violation	Written warning (including name, address, & DOB); if under 18, <b>shall not</b> send a copy of the written violation to the juvenile's parent/guardian. <sup>1</sup>
		Second Violation	Written warning (including name, address, DOB & informational materials on how to access community services agency/organization); if under 18, <b>shall</b> provide a copy of the 2nd and 1st warnings to the juvenile's parent/guardian.
		Third or Subsequent Violation	Written warning (including name, address, DOB, & referral for accessing a community services agency/organization); <b>shall</b> give notice of the violation to the community services agency to initiate contact with the underage individual; if under 18, <b>shall</b> provide a copy of the 3rd warning 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	

<b>Investigation and Prosecution of 2C:33-15(a)(1)</b> <b>(possession or consumption of marijuana, hashish, cannabis, or alcohol when an individual is under the age of 21)</b>	
<ul style="list-style-type: none"> <li>You <b>CANNOT</b> ask for consent from someone under 21 to search for a violation of 2C:33-15(a)(1), and they <b>CANNOT</b> give consent. If reason to believe <b>other</b> criminal activity afoot, you may ask and they may grant consent in relation to that <b>other</b> violation.</li> </ul>	
<ul style="list-style-type: none"> <li>Odor of marijuana, hashish, or alcohol <b>NOT</b> reasonable articulable suspicion to initiate a stop, <b>NOR</b> probable cause to search the property/vehicle of someone under 21 for 2C:33-15(a)(1).</li> </ul>	
<ul style="list-style-type: none"> <li>Unconcealed possession of alcohol, marijuana, hashish, or cannabis item in violation of 2C:33-15(a)(1) observed in plain sight is <b>NOT</b> probable cause to search someone or their property of vehicle under 21 for <b>any further violation</b> of 2C:33-15(a)(1) or violation of <b>any other law</b>.</li> </ul>	
<ul style="list-style-type: none"> <li>You <b>CANNOT</b> arrest, detain, or otherwise taken into custody someone under 21 who violates 2C:33-15(a)(1), except to the extent required to issue a written warning or provide notice of a violation to a parent/guardian; the underage individual may only be arrested, detained, or otherwise taken into custody for committing a <b>different</b> violation of law.</li> </ul>	
<ul style="list-style-type: none"> <li>When responding to a violation of, or a suspected violation, of 2C:33-15(a)(1), if you are equipped with a BWC, it <b>MUST</b> be activated and remain activated throughout the encounter.</li> </ul>	
<p><b>An officer may be charged with the crime of deprivation of civil rights if the officer knowingly 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.</b></p>	

<sup>1</sup> Procedures for written warnings for juveniles may change. Should there be an amendment, this document will be updated.