

# Possession of Less than 10 grams of Marijuana in Maryland

## Civil, not criminal, penalties

In Maryland, possession or use of less than 10 grams of marijuana is not a criminal offense. Possession or use of up to 10 grams of marijuana is still illegal, however, and carries civil penalties.

**Read the Law: Md. Code, Criminal Law § 5-601; § 5-601.1**

## Fines for possession of small amounts of marijuana

Because it is not classified as a crime, possession of *up to* 10 grams of marijuana does not result in arrest, jail time, or a criminal record. Possession or use of marijuana is *not* legal, but in these cases involving small amounts of marijuana, the penalties are civil in nature.

<b>Civil Fines under the law for less than 10 grams are as follows:</b>	
1. First offense	Fine of \$100
2. Second offense	Fine of up to \$250
3. Third (or later) offense	Fine of up to \$500

## Court appearances and drug treatment

Under the law, even though the possession of up to 10 grams of marijuana is not a criminal offense, violators who are under the age of 21 must appear in court and may be ordered to drug treatment. Violators who are 21 or

older must appear in court after a third offense and may be ordered to complete a substance abuse treatment program.

### Court records

Payment of the civil fine is managed by the Maryland Courts, but the official record of the citation is not open to the public (and will not appear on Case Search) if one of the following conditions applies:

1. the defendant has prepaid the fine;
  2. the defendant has pled guilty to or been found guilty of the Code violation and has fully paid the fine and costs imposed for the violation;
  3. the defendant has received a probation before judgment and has fully paid the fine and completed any terms imposed by the court;
  4. the case has been removed from the stet docket after the defendant fully paid the fine and completed any terms imposed by the court;
  5. the State has entered a nolle prosequi;
  6. the defendant has been found not guilty of the charge;
- or
7. the charge has been dismissed.

Read the Law: [Md. Code, Criminal Law § 5-601.1\(m\)](#)

### Source

Christine Kim, Christina Lauderdale, and Yasmin Mahmoud, Practicing pursuant to Rule 16 of the Rules

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