

CHARGE	CDR	STATUTE	SENTENCING	TYPE	NOTES
<b>SIMPLE POSSESSION</b>					
<b>MARIJUANA (= 28 grams/1 ounce or less)</b>					
<i>1<sup>st</sup> offense</i>	0659	§44-53-370(d)(4)	0-30 days <u>or</u> \$100-\$200	Misdemeanor	Conditional discharge
<i>2<sup>nd</sup> offense</i>	0182	§44-53-370(d)(4)	0-1 yr and/or \$200-1,000	Misdemeanor	
<b>COCAINE (= less than 1 gram)</b>					
<i>1<sup>st</sup> offense</i>	3011	§44-53-370(d)(3)	0-3 yrs and/or up to \$5,000	Misdemeanor	Conditional discharge
<i>2<sup>nd</sup> offense</i>	3012	§44-53-370(d)(3)	0-5 yrs and/or up to \$7,500	Felony	
<i>3<sup>rd</sup> offense</i>	3013	§44-53-370(d)(3)	0-10 yrs and/or up to \$12,500	Felony	
<b>METHAMPHETAMINE (= less than 1 gram)</b>					
<i>1<sup>st</sup> offense</i>	3009	§44-53-375(A)	0-3 yrs and/or up to \$5,000	Misdemeanor	Conditional discharge
<i>2<sup>nd</sup> offense</i>	3017	§44-53-375(A)	0-5 yrs and/or up to \$7,500	Felony	
<i>3<sup>rd</sup> offense</i>	3016	§44-53-375(A)	0-10 yrs and/or up to \$12,500	Felony	
<b>COCAINE BASE (= less than 1 gram)</b>					
<i>1<sup>st</sup> offense</i>	3009	§44-53-375(A)	0-3 yrs and/or up to \$5,000	Misdemeanor	Conditional discharge
<i>2<sup>nd</sup> offense</i>	3017	§44-53-375(A)	0-5 yrs and/or up to \$7,500	Felony	
<i>3<sup>rd</sup> offense</i>	3016	§44-53-375(A)	0-10 yrs and/or up to \$12,500	Felony	
<b>HEROIN (= 2 grains)</b>					
<i>1<sup>st</sup> offense</i>	0176	§44-53-370(d)(1)	0-2 yrs and/or up to \$5,000	Misdemeanor	Conditional discharge
<i>2<sup>nd</sup> offense</i>	0177	§44-53-370(d)(1)	0-5 yrs and/or up to \$5,000	Felony	
<i>3<sup>rd</sup> offense</i>	0178	§44-53-370(d)(1)	0-5 yrs and/or up to \$10,000	Felony	
<b>CONTROLLED SUBSTANCES</b>					
<b>Schedule I(b), I(c), LSD, or Schedule II</b>					
<i>1<sup>st</sup> offense</i>	0176	§44-53-370(d)(1)	0-2 yrs and/or up to \$5,000	Misdemeanor	Conditional discharge
<i>2<sup>nd</sup> offense</i>	0177	§44-53-370(d)(1)	0-5 yrs and/or up to \$5,000	Felony	
<i>3<sup>rd</sup> offense</i>	0178	§44-53-370(d)(1)	0-5 yrs and/or up to \$10,000	Felony	
<b>Schedule I-V: Other (Non-Narcotic)</b>					
<i>1<sup>st</sup> offense</i>	0179	§44-53-370(d)(2)	0-6 months and/or up to \$1,000	Misdemeanor	Conditional discharge
<i>2<sup>nd</sup> offense</i>	0180	§44-53-370(d)(2)	0-1 yr and/or up to \$6,000	Misdemeanor	
<b>MDMA (= 15 dosage units or more)</b>					
<i>1<sup>st</sup> offense</i>	2919	§44-53-370(b)(2)	0-5 yrs and/or up to \$5,000	Felony	Accommodation sale

2 <sup>nd</sup> offense	2920	§44-53-370(b)(2)	0-10 yrs and/or up to \$10,000	Felony	Accommodation sale
3 <sup>rd</sup> offense	2921	§44-53-370(b)(2)	5-20 yrs and/or up to \$20,000	Felony	Accommodation sale
<b>Fentanyl (= more than 2 grains) (new - effective 6/20/2023)</b>					
1 <sup>st</sup> offense	4085	§44-53-370(d)(4)	0-5 yrs <u>and</u> \$5,000	Felony	
2 <sup>nd</sup> offense	4086	§44-53-370(d)(4)	0-10 yrs <u>and</u> \$10,000	Felony	
3 <sup>rd</sup> offense	4087	§44-53-370(d)(4)	0-15 yrs <u>and</u> \$10,000	Felony	
<b>POSSESSION WITH INTENT TO DISTRIBUTE</b>					
<b>MARIJUANA (= over 28 grams/1 ounce but less than 10 ounces)</b>					
1 <sup>st</sup> offense	0186	§44-53-370(b)(2)	0-5 yrs and/or up to \$5,000	Felony	Accommodation sale
2 <sup>nd</sup> offense	0187	§44-53-370(b)(2)	0-10 yrs and/or up to \$10,000	Felony	Accommodation sale
3 <sup>rd</sup> offense	0188	§44-53-370(b)(2)	5-20 yrs and/or up to \$20,000	Felony	
<b>COCAINE (= over 1 gram but less than 10 grams)</b>					
1 <sup>st</sup> offense	0183	§44-53-370(b)(1)	0-15 yrs and/or up to \$25,000	Felony	
2 <sup>nd</sup> offense	0184	§44-53-370(b)(1)	5-30 yrs and/or up to \$50,000	Felony	Serious
3 <sup>rd</sup> offense	0185	§44-53-370(b)(1)	10-30 yrs and/or up to \$50,000	Felony	Serious
<b>METHAMPHETAMINE (= over 1 gram but less than 10 grams)</b>					
1 <sup>st</sup> offense	3198	§44-53-375(B)(1)	0-15 yrs and/or up to \$25,000	Felony	
2 <sup>nd</sup> offense	3199	§44-53-375(B)(2)	5-30 yrs and/or up to \$50,000	Felony	Serious
3 <sup>rd</sup> offense	3200	§44-53-375(B)(3)	10-30 yrs and/or up to \$50,000	Felony	Serious
<b>COCAINE BASE (= over 1 gram but less than 10 grams)</b>					
1 <sup>st</sup> offense	3014	§44-53-375(B)(1)	0-15 yrs and/or up to \$25,000	Felony	
2 <sup>nd</sup> offense	3015	§44-53-375(B)(2)	5-30 yrs and/or up to \$50,000	Felony	Serious
3 <sup>rd</sup> offense	3039	§44-53-375(B)(3)	10-30 yrs and/or up to \$50,000	Felony	Serious
<b>HEROIN (= over 2 grains)</b>					
1 <sup>st</sup> offense	0183	§44-53-370(b)(1)	0-15 yrs and/or up to \$25,000	Felony	
2 <sup>nd</sup> offense	0184	§44-53-370(b)(1)	5-30 yrs and/or up to \$50,000	Felony	Serious
3 <sup>rd</sup> offense	0185	§44-53-370(b)(1)	10-30 yrs and/or up to \$50,000	Felony	Serious
<b>CONTROLLED SUBSTANCES</b>					
<b>Schedule I(b), I(c), LSD, or Schedule II</b>					
1 <sup>st</sup> offense	0183	§44-53-370(b)(1)	0-15 yrs and/or up to \$25,000	Felony	
2 <sup>nd</sup> offense	0184	§44-53-370(b)(1)	5-30 yrs and/or up to \$50,000	Felony	Serious

<i>3<sup>rd</sup> offense</i>	0185	§44-53-370(b)(1)	10-30 yrs and/or up to \$50,000	Felony	Serious
<b>Schedules I, II, III, or flunitrazepam</b>					
<i>1<sup>st</sup> offense</i>	0186	§44-53-370(b)(2)	0-5 yrs and/or up to \$5,000	Felony	Accommodation sale
<i>2<sup>nd</sup> offense</i>	0187	§44-53-370(b)(2)	0-10 yrs and/or up to \$10,000		Accommodation sale
<i>3<sup>rd</sup> offense</i>	0188	§44-53-370(b)(2)	5-20 yrs and/or up to \$20,000	Felony	Accommodation sale
<b>Schedule IV, except flunitrazepam</b>					
<i>1<sup>st</sup> offense</i>	0189	§44-53-370(b)(3)	0-3 yrs and/or up to \$3,000	Felony	Accommodation sale
<i>2<sup>nd</sup> offense</i>	0190	§44-53-370(b)(3)	0-5 yrs and/or up to \$6,000	Felony	Accommodation sale
<b>Schedule V</b>					
<i>1<sup>st</sup> offense</i>	0191	§44-53-370(b)(4)	0-1 yr and/or up to \$1,000	Felony	Accommodation sale
<i>2<sup>nd</sup> offense</i>	0192	§44-53-370(b)(4)	0-2 yrs and/or up to \$2,000	Felony	Accommodation sale

## **TRAFFICKING**

### **MARIJUANA**

#### **= between 10 to 100 pounds**

<i>1<sup>st</sup> offense</i>	2360	§44-53-370(e)(1)(a)(1)	1-10 yrs <u>and</u> \$10,000	Felony	Violent; serious
<i>2<sup>nd</sup> offense</i>	0402	§44-53-370(e)(1)(a)(2)	5-20 yrs <u>and</u> \$15,000	Felony	Violent; serious
<i>3<sup>rd</sup> offense</i>	0145	§44-53-370(e)(1)(a)(3)	25 yrs <u>and</u> \$25,000	Felony	Violent; serious

#### **= over 100 pounds**

<i>100 to 2,000 pounds</i>	0283	§44-53-370(e)(1)(b)	25 yrs <u>and</u> \$25,000	Felony	Violent; serious
<i>2,000 to 10,000 pounds</i>	0284	§44-53-370(e)(1)(c)	25 yrs <u>and</u> \$50,000	Felony	Violent; serious
<i>10,000 pounds or more</i>	0285	§44-53-370(e)(1)(d)	25-30 yrs <u>and</u> \$200,000	Felony	Violent; serious

### **COCAINE**

#### **= between 10 to 28 grams**

<i>1<sup>st</sup> offense</i>	0278	§44-53-370(e)(2)(a)(1)	3-10 yrs <u>and</u> \$25,000	Felony	Violent; serious
<i>2<sup>nd</sup> offense</i>	0387	§44-53-370(e)(2)(a)(2)	5-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<i>3<sup>rd</sup> offense</i>	0147	§44-53-370(e)(2)(a)(3)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious

#### **= between 28 to 99 grams**

<i>1<sup>st</sup> offense</i>	2359	§44-53-370(e)(2)(b)(1)	7-25 yrs <u>and</u> \$50,000	Felony	Violent; serious
<i>2<sup>nd</sup> offense</i>	0388	§44-53-370(e)(2)(b)(2)	7-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<i>3<sup>rd</sup> offense</i>	0148	§44-53-370(e)(2)(b)(3)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious

#### **= over 100 grams**

100 to 200 grams	0280	§44-53-370(e)(2)(c)	25 yrs <u>and</u> \$50,000	Felony	Violent; serious
200 to 400 grams	0288	§44-53-370(e)(2)(d)	25 yrs <u>and</u> \$100,000	Felony	Violent; serious
400 grams or more	0281	§44-53-370(e)(2)(e)	25-30 yrs <u>and</u> \$200,000	Felony	Violent; serious
<b>METHAMPHETAMINE</b>					
<b>= between 10 to 28 grams</b>					
1 <sup>st</sup> offense	0450	§44-53-375(C)(1)(a)	3-10 yrs <u>and</u> \$25,000	Felony	Violent; serious
2 <sup>nd</sup> offense	0451	§44-53-375(C)(1)(b)	5-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
3 <sup>rd</sup> offense	0452	§44-53-375(C)(1)(c)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>= between 28 to 100 grams</b>					
1 <sup>st</sup> offense	0392	§44-53-375(C)(2)(a)	7-25 yrs <u>and</u> \$50,000	Felony	Violent; serious
2 <sup>nd</sup> offense	0389	§44-53-375(C)(2)(b)	7-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
3 <sup>rd</sup> offense	0349	§44-53-375(C)(2)(c)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>= over 100 grams</b>					
100 to 200 grams	0368	§44-53-375(C)(3)	25 yrs <u>and</u> \$50,000	Felony	Violent; serious
200 to 400 grams	0369	§44-53-375(C)(4)	25 yrs <u>and</u> \$100,000	Felony	Violent; serious
400 grams or more	0370	§44-53-375(C)(5)	25-30 yrs <u>and</u> \$200,000	Felony	Violent; serious
<b>COCAINE BASE</b>					
<b>= between 10 to 28 grams</b>					
1 <sup>st</sup> offense	0450	§44-53-375(C)(1)(a)	3-10 yrs <u>and</u> \$25,000	Felony	Violent; serious
2 <sup>nd</sup> offense	0451	§44-53-375(C)(1)(b)	5-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
3 <sup>rd</sup> offense	0452	§44-53-375(C)(1)(c)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>= between 28 to 100 grams</b>					
1 <sup>st</sup> offense	0392	§44-53-375(C)(2)(a)	7-25 yrs <u>and</u> \$50,000	Felony	Violent; serious
2 <sup>nd</sup> offense	0389	§44-53-375(C)(2)(b)	7-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
3 <sup>rd</sup> offense	0349	§44-53-375(C)(2)(c)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>= over 100 grams</b>					
100 to 200 grams	0368	§44-53-375(C)(3)	7-25 yrs <u>and</u> \$50,000	Felony	Violent; serious
200 to 400 grams	0369	§44-53-375(C)(4)	7-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
400 grams or more	0370	§44-53-375(C)(5)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>HEROIN</b>					
<b>= between 4 to 14 grams</b>					

<i>1<sup>st</sup> offense</i>	2361	§44-53-370(e)(3)(a)(1)	7-25 yrs <u>and</u> \$50,000	Felony	Violent; serious
<i>2<sup>nd</sup> offense</i>	0156	§44-53-370(e)(3)(a)(2)	25 yrs <u>and</u> \$100,000	Felony	Violent; serious
<b>= over 14 grams</b>					
<i>14 to 28 grams</i>	0287	§44-53-370(e)(3)(b)	25 yrs <u>and</u> \$200,000	Felony	Violent; serious
<i>28 grams or more</i>	0149	§44-53-370(e)(3)(c)	25-40 yrs <u>and</u> \$200,000	Felony	Violent; serious
<b>CONTROLLED SUBSTANCES</b>					
<b>LSD</b>					
<b>= 100 to 499 dosage units</b>					
<i>1<sup>st</sup> offense</i>	0454	§44-53-370(e)(5)(a)(1)	3-10 yrs <u>and</u> \$20,000	Felony	Violent; serious
<i>2<sup>nd</sup> offense</i>	0455	§44-53-370(e)(5)(a)(2)	5-30 yrs <u>and</u> \$40,000	Felony	Violent; serious
<i>3<sup>rd</sup> offense</i>	0456	§44-53-370(e)(5)(a)(3)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>= 500 to 999 dosage units</b>					
<i>1<sup>st</sup> offense</i>	0457	§44-53-370(e)(5)(b)(1)	7-25 yrs <u>and</u> \$50,000	Felony	Violent; serious
<i>2<sup>nd</sup> offense</i>	0458	§44-53-370(e)(5)(b)(2)	7-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<i>3<sup>rd</sup> offense</i>	0459	§44-53-370(e)(5)(b)(3)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>= 1000+ dosage units</b>	0453	§44-53-370(e)(5)(c)	25 yrs <u>and</u> \$100,000	Felony	Violent; serious
<b>Flunitrazepam</b>					
<b>= 1 to 100 grams</b>					
<i>1<sup>st</sup> offense</i>	2590	§44-53-370(e)(6)(a)(1)	1-10 yrs <u>and</u> \$10,000	Felony	Violent; serious
<i>2<sup>nd</sup> offense</i>	2591	§44-53-370(e)(6)(a)(2)	25 yrs <u>and</u> \$25,000	Felony	Violent; serious
<b>= 100 grams or more</b>					
<i>100 to 1,000 grams</i>	2592	§44-53-370(e)(6)(b)	20 yrs <u>and</u> \$25,000	Felony	Violent; serious
<i>1,000 grams to 5 kg</i>	2593	§44-53-370(e)(6)(c)	25 yrs <u>and</u> \$50,000	Felony	Violent; serious
<i>5 kilograms or more</i>	2594	§44-53-370(e)(6)(d)	25-30 yrs <u>and</u> \$200,000	Felony	Violent; serious
<b>MDMA/Ecstasy</b>					
<b>= between 100 to 500 dosage units</b>					
<i>1<sup>st</sup> offense</i>	2912	§44-53-370(e)(8)(a)(i)	3-10 yrs <u>and</u> \$20,000	Felony	Violent; serious
<i>2<sup>nd</sup> offense</i>	2913	§44-53-370(e)(8)(a)(ii)	5-30 yrs <u>and</u> \$40,000	Felony	Violent; serious
<i>3<sup>rd</sup> offense</i>	2914	§44-53-370(e)(8)(a)(iii)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>= between 500 to 1,000 dosage units</b>					
<i>1<sup>st</sup> offense</i>	2915	§44-53-370(e)(8)(b)(i)	7-25 yrs <u>and</u> \$50,000	Felony	Violent; serious

2 <sup>nd</sup> offense	2916	§44-53-370(e)(8)(b)(ii)	7-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
3 <sup>rd</sup> offense	2917	§44-53-370(e)(8)(b)(iii)	25-30 yrs <u>and</u> \$50,000	Felony	Violent; serious
<b>= 1000+ dosage units</b>	2918	§44-53-370(e)(8)(C)	25 yrs <u>and</u> \$100,000	Felony	Violent; serious
<b>Fentanyl (new - effective 6/20/2023)</b>					
<b>= between 4 to 14 grams</b>					
1 <sup>st</sup> offense	4083	§44-53-370(e)	7-25 yrs <u>and</u> \$50,000	Felony	Violent; serious
2 <sup>nd</sup> offense	4084	§44-53-370(e)	25 yrs <u>and</u> \$100,000	Felony	Violent; serious
<b>= 14 grams or more</b>					
14 to 28 <u>grams</u>	4095	§44-53-370(e)	25 yrs <u>and</u> \$200,000	Felony	Violent; serious
28 <u>grams</u> or more	4096	§44-53-370(e)	25-40 yrs <u>and</u> \$200,000	Felony	Violent; serious
<b>MISCELLANEOUS</b>					
<b>Theft of a Controlled Substance</b>					
1 <sup>st</sup> offense	2923	§44-53-365(A)	0-5 yrs and/or up to \$5,000	Felony	
2 <sup>nd</sup> offense	2924	§44-53-365(A)	0-10 yrs and/or up to \$10,000	Felony	
<b>Obtaining Prescription Drugs by Fraud, Deceit, etc.</b>					
1 <sup>st</sup> offense	0296	§44-53-40(B)	0-2 yrs and/or up to \$500	Misdemeanor	
2 <sup>nd</sup> offense	0297	§44-53-40(B)	0-5 yrs and/or up to \$2,000	Felony	
<b>Administer, Distribute, etc. a Controlled Substance with Intent to Commit a Crime</b>					
1 <sup>st</sup> offense	2587	§44-53-370(g)(2)(a)	0-15 yrs and/or up to \$25,000	Felony	
2 <sup>nd</sup> offense	2588	§44-53-370(g)(2)(b)	0-20 yrs and/or up to \$30,000	Felony	
3 <sup>rd</sup> offense	2589	§44-53-370(g)(2)(c)	5-25 yrs and/or up to \$40,000	Felony	
<b>Manufacturing Methamphetamine</b>					
1 <sup>st</sup> offense	3776	§44-53-375(B)(1)	0-15 yrs and/or up to \$25,000	Felony	Violent
2 <sup>nd</sup> offense	3777	§44-53-375(B)(2)	0-30 yrs and/or up to \$50,000	Felony	Violent; serious
3 <sup>rd</sup> offense	3778	§44-53-375(B)(3)	10-30 yrs and/or up to \$50,000	Felony	Violent; serious
<b>Distribute/Sell/Manufacture or Possession with Intent to Distribute a Controlled Substance Near a School</b>					
-	0107	§44-53-445	0-10 yrs and/or up to \$10,000	Felony	Serious
<b>Purchase of a Controlled Substance within Proximity of a School</b>					
-	0892	§44-53-445	0-1 yr and/or up to \$1,000	Misdemeanor	
<b>Possession of a Drug without a Valid Prescription</b>					
-	2738	§40-53-86(E)	0-2 yrs and/or up to \$500	Misdemeanor	