



Misdemeanor Marijuana Diversion Program

Frequently Asked Questions

What is the program? If you face being arrested and charged with possession of misdemeanor amounts of marijuana, you may instead take a four-hour class. This offers you no jail time and no criminal record of the event.

When does it start? March 1, 2017

What happens if I am caught with a small amount of marijuana? If you are at least 17 years old, possess sufficient identification, are not currently on bond, probation or deferred adjudication; and there is no probable cause to arrest you for another crime (Class B misdemeanor or above) you will be offered an opportunity to enter the program.

What does the program require? You must pay a \$150 program fee (which may be waived if you can't afford it), and within 90 days must complete the 4-hour class on decision making.

Will I get a criminal record? No, not if you successfully complete the program.

What if I decline to participate? You will be arrested and charged with misdemeanor marijuana possession. The penalty can be up to one year in jail and a \$4,000 fine.

What if I don't finish? A warrant will be issued for your arrest and you will be prosecuted for misdemeanor marijuana possession.

What if I miss my class date? You can contact Community Supervision and request a new class time, but you must complete the program in the 90-day period. If you do not, a warrant will be issued for your arrest.

Are there any exceptions to eligibility for the program? If you are on bond for an open criminal case, on probation or deferred adjudication, you are not eligible.

If you are caught in possession of marijuana in a Drug Free Zone (within 1,000 feet of a school) or if you are on the premises of a correctional institution, you are not eligible.

If you are suspected of being a drug dealer -- appear to possess marijuana with intent to deliver -- you are not eligible.

If you are in possession of a handgun and marijuana -- including having one in an automobile -- without a License to Carry, you are not eligible for the program.

Am I eligible if I am in violation of parole? Yes.

Am I eligible if I live in HUD housing or an area covered by a high-crime rate initiative? Yes.

Can I smoke marijuana in public? No. You face being arrested and charged with public intoxication.

Can the smell of marijuana still be used by police to establish probable cause to conduct a search? Yes.

Are juveniles eligible for the MMDP program? No. They will continue to be diverted through the Juvenile Justice System and are not eligible for this program.

What is a misdemeanor amount of marijuana? Under state law, less than four ounces is a misdemeanor amount of marijuana. Under two ounces is a Class B. More than two ounces, but less than four ounces constitutes a Class A. However, even less than two ounces of marijuana in a Drug Free Zone is a Class A misdemeanor.

Is possession of 4 ounces or less of Hydroponic marijuana a misdemeanor? Yes.

How many times can I take the class? You may take the class as many times as you are eligible; however, if we determine you are a habitual "serial offender" and require greater intervention, the District Attorney may choose to take greater action.