

# KNOW YOUR RIGHTS

LEARN THE VIRGINIA MARIJUANA LAWS: JULY 1, 2022



## Decriminalization

1. Possession of up to 1oz of marijuana for ages 21 and up is legal
2. Possession of 1oz-4oz = civil penalty, \$25 ticket
3. 4 plants in the home for ages 21 and up
4. Private use and adult sharing within home/on private property
5. The odor of marijuana alone is not cause to stop nor search a person or property



## Marijuana Felonies

1. Possession of more than 1lb on person or in public
2. Household cultivation above 50 plants & above
3. Possession with Intent to Distribute over an ounce
4. Manufacturing marijuana not for person use
5. Distributing marijuana to person in state/local custody



## Marijuana Misdemeanors

1. Possession of 4oz-1lb
2. Public use and public giving
3. In school buses and vehicles for hire
4. School grounds (k-12, college campuses) possession
5. Car use on highway (or "presumed" use because of open container)
6. Home cultivation for subsequent offenses of over 4 but under 10 plants
7. Home cultivation for 10-49 plants
8. Possessing no more than one ounce with intent to distribute, giving, or selling to a minor or intoxicated person



## Marijuana In Different Spaces

### HOUSEHOLD CULTIVATION

1. As of July 1, 2021 households are able to legally cultivate up to 4 plants as long as they are:
  - a. inaccessible to minors (under 21)
  - b. not visible to public without use of aircraft, binoculars, or other optical aids
  - c. labeled with person's name, driver's license or identification number
  - d. noted that the marijuana plant is being grown for personal use as authorized under the lawExceeding this limit will be punishable by a schedule of civil penalties, misdemeanor and felony charges, depending on the severity of the violation

### PUBLIC SPACES

1. Consuming marijuana in a public place, such as a park, sidewalk, or establishment, or an exchange or offer of marijuana in a public space will result in a civil penalty of no more than \$25 for 1st and 2nd offenses with Class 4 misdemeanor for subsequent offenses

### SCHOOL GROUNDS / CAMPUS

Prohibited on all school property

### CARS AND OTHER VEHICLES

1. Keeping marijuana in a commercial motor vehicle like trucks, buses, taxis, and trailers will result in a civil penalty
2. Using marijuana on the highway (as a driver or passenger) will result in a Class 4 misdemeanor, the same charge for drinking while driving
3. Either a Class 1 or 2 misdemeanor will be given to people found to possess or consume marijuana while driving a school bus or vehicle transporting passengers for hire

### PERSONS WITH OPEN CASES

1. Testing positive before serving a weekend sentence, sentence may be converted to jail time
2. Testing positive while on electronic incarceration, probation or out on bond may result in serving remaining sentence in jail

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## Immigration

Marijuana remains illegal on the federal level and those under immigration-specific surveillance could face federal penalties for any marijuana offense, including deportation.



## Distribution

It is unlawful for any person to sell, give, or possess with intent to sell, give, or distribute marijuana:

1. 1oz or less – Class 1 Misdemeanor
2. More than 1oz but less than 5lbs – Class 5 Felony
3. More than 5 pounds - minimum five years, not more than 30
4. After 3 felony convictions, judges can get five years to life



## Underage Possession Consequences

1. Anyone under the age of 21 including minors are subject to a civil penalty of no more than \$25 for possessing marijuana, as well as a mandatory substance abuse treatment or education program
2. Notably, children under the age of 18 found in possession will be treated as delinquents by courts: a technical designation that makes them vulnerable to more severe punishments if they run into law enforcement again, including stricter probation, surveillance, and possibly detention under a law known as the valid court order exception
3. \$25 civil penalty for first offense for all ages 20 and under
4. Class 3 misdemeanor for ages 18-20 old



## Repairing Records and Reuniting Families

1. Record sealing
  - a. The law will automatically seal past records of arrests, criminal charges, convictions, and civil offenses for violating former possession laws no later than October 1, 2025
  - b. People with more serious marijuana charges on their records will be able to petition a judge to have their records sealed, starting no later than July 1, 2025
2. No release or resentencing legislation was passed for people currently incarcerated for past marijuana-related offenses



## Enforcement in Employment

1. Drug testing by employers, courts, probation officers, etc.
  - a. Minors found in possession will be considered delinquents by courts which makes them subject to mandatory drug testing
  - b. There haven't been changes to the laws about employers and courts being able to test
  - c. Issues with testing - there is no way to test if someone is currently intoxicated, only past usage