



# *Misdemeanor Marijuana Diversion Program*

## *Frequently Asked Questions*

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**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, as in having one in an automobile when you have a CHL, you are still eligible for the program.

**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.