

**PENALTY GROUPS \_\_ POSSESSION & MANUFACTURE**

POSSESSION OF CONTROLLED SUBSTANCE

MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCE

**Penalty Group 1- H&SC 481.115**  
 (Penalty Group 1 substances include cocaine, heroin, methamphetamine, gamma hydroxybutyric acid [GHB], flunitrazepam [Rohypnoll], oxycodone, ketamine [Special K], and phencyclidine [PCP])

<u>Level of Offense</u>	<u>Amount*</u>
State Jail Felony	Less than 1 g
3 <sup>rd</sup> Degree Felony	1 g or more, less than 4 g
2 <sup>nd</sup> Degree Felony	4 g or more, less than 200 g
1 <sup>st</sup> Degree Felony	200g or more, less than 400 g
10 to 99 years or life; up to \$100,000 Fine	400g or more

**Penalty Group 1-A – H&SC 481.1151**  
 (Lysergic acid diethylamide [LSD])

<u>Level of Offense</u>	<u>Number of Abuse Units</u>
State Jail Felony	Fewer than 20
3 <sup>rd</sup> Degree Felony	20 or more, less than 80
2 <sup>nd</sup> Degree Felony	80 or more, fewer than 4,000
1 <sup>st</sup> Degree Felony	4,000 or more, fewer than 8,000
15 to 99 years or life; up to \$250,000 Fine	8,000 or more

**Penalty Group 2- H&SC 481.116**  
 (Penalty Group 2 substances include amphetamine, methaqualone, and 3,4-methylenedioxy methamphetamine [MDMA, ecstasy].)

<u>Level of Offense</u>	<u>Amount*</u>
State Jail Felony	Less than 1 g
3 <sup>rd</sup> Degree Felony	1 g or more, less than 4 g
2 <sup>nd</sup> Degree Felony	4 g or more, fewer than 400 g
5 to 99 years or life; up to \$50,000 Fine	400 or more

**Penalty Group 3- H&SC 481.117**  
 (Penalty Group 3 substance include anabolic steroids- see 481.117 (a)(9))

<u>Level of Offense</u>	<u>Amount*</u>
Class A Misdemeanor	Less than 28 g
3 <sup>rd</sup> Degree Felony**	28g or more, less than 200 g
2 <sup>nd</sup> Degree Felony	200 g or more, fewer than 400 g
5 to 99 years or life; up to \$50,000 Fine	400g or more

**Penalty Group 4- H&SC 481.118**

<u>Level of Offense</u>	<u>Amount*</u>
Class B Misdemeanor	Less than 28 g
3 <sup>rd</sup> Degree Felony**	28g or more, less than 200 g
2 <sup>nd</sup> Degree Felony	200 g or more, fewer than 400 g
5 to 99 years or life; up to \$50,000 Fine	400g or more

**Penalty Group 1- H&SC 481.112**  
 (Penalty Group 1 substances include cocaine, heroin, methamphetamine, gamma hydroxybutyric acid [GHB], flunitrazepam [Rohypnoll], oxycodone, ketamine [Special K], and phencyclidine [PCP])

<u>Level of Offense</u>	<u>Amount*</u>
State Jail Felony	Less than 1 g
2 <sup>nd</sup> Degree Felony**	1 g or more, less than 4 g
1 <sup>st</sup> Degree Felony	4g or more, less than 200 g
15 to 99 years or life; up to \$250,000 Fine	400g or more

**Penalty Group 1-A – H&SC 481.1121**  
 (Lysergic acid diethylamide [LSD])

<u>Level of Offense</u>	<u>Number of Abuse Units</u>
State Jail Felony	Fewer than 20
2 <sup>nd</sup> Degree Felony**	20 or more, fewer than 80
1 <sup>st</sup> Degree Felony	80 or more, fewer than 4,000
10 to 99 years or life; up to \$100,000 Fine	4,000 or more, fewer than 8,000
15 to 99 years or life; up to \$250,000 Fine	4,000 or more

**Penalty Group 2- H&SC 481.113**  
 (Penalty Group 2 substances include amphetamine, methaqualone, and 3,4-methylenedioxy methamphetamine [MDMA, ecstasy].)

<u>Level of Offense</u>	<u>Amount*</u>
State Jail Felony	Less than 1 g
2 <sup>nd</sup> Degree Felony**	1g or more, less than 4 g
1 <sup>st</sup> Degree Felony	4g or more, less than 400g
10 to 99 years or life; up to \$50,000 Fine	400g or more

**Penalty Group 3- H&SC 481.114**  
 (Penalty Group 3 substance include anabolic steroids- see 481.117 (a)(9))

<u>Level of Offense</u>	<u>Amount*</u>
State Jail Felony	Less than 28g
2 <sup>nd</sup> Degree Felony**	28g or more, less than 200g
1 <sup>st</sup> Degree Felony	200g or more, less than 400g
10 to 99 years or life; up to \$100,000 Fine	400g or more

**MARIHUANA**

**POSSESSION OF MARIHUANA- H&SC 481.121**

<u>Level of Offense</u>	<u>Amount</u>
Class B Misdemeanor	2oz or less
Class A Misdemeanor	4 oz or less, more than 2 oz
State Jail Felony	5 lbs or less, more than 4oz
3 <sup>rd</sup> Degree Felony	50 lbs or less, more than 5 lbs
2 <sup>nd</sup> Degree Felony	2,000 lbs or less, more than 50 lbs
5 to 99 years or life; to \$50,000 Fine	More than 2,000 lbs

**DELIVERY OF MARIHUANA- H&SC 481.120**

<u>Level of Offense</u>	<u>Amount</u>
Class B Misdemeanor	¼ oz or less; no remuneration received
Class A Misdemeanor	¼ oz or less; remuneration received
State Jail Felony	5 lbs or less, more than ¼ oz
2 <sup>nd</sup> Degree Felony**	50 lbs or less, more than 5 lbs
1 <sup>st</sup> Degree Felony	2,000 lbs or less, more than 50 lbs
10 to 99 years or life; to \$100,000 Fine	More than 2,000 lbs

\* Substance amounts are by aggregate weight, including adulterants or dilutants, and expressed in grams.

\*\* Note, the offense classification does not progress from the previous level to the next highest level of offense.