4-06/003.00 - Cannabis

CLASSIFICATION Crime or Incident	FORM NUMBER FILE NUMBER PRIORITY	ASSIGNMENT AND ACTION	ADDITIONAL INFORMATION AND STATISTICAL CODES
4-06/003.00 CANNABIS			**This section does not cover medical marijuana (cannabis) and/or state or county licensed dispensaries, transportation, and cultivation of cannabis.** Narcotics Bureau shall be notified by phone only if the arrest involves a sizeable amount of cannabis or there are unusual circumstances of the arrest. If the cannabis violation is an infraction or misdemeanor and there is a citable **traffic law violation** (infraction) also involved, the individual shall be issued one citation incorporating the traffic law infraction and the cannabis infraction or misdemeanor.

Possession Possession of 28.5 grams or less of cannabis and/or 8 grams or less of concentrated cannabis	SH-CR-66 SH-CR-607 URN 18	Patrol A	Handling possession of cannabis incidents are based on the person's age. **21 years of age or older**, it is **legal** to possess 28.5 grams or less of cannabis and/or 8 grams or less of concentrated cannabis. **18 to 20 years of age**, possessing 28.5 grams or less of cannabis and/or 8 grams or less of concentrated cannabis: 11357(a)(2) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction **17 years of age and under**, possessing 28.5 grams or less of cannabis and/or 8 grams or less of concentrated cannabis: 11357(a)(1) H&S - Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction

Driving/ Vehicles Driving under the influence	SH-CR-66 SH-CR-607 URN 18	Patrol/station Traffic A	Operating a vehicle while under the influence of cannabis – All ages: 23152(f) VC – Misdemeanor Operating a vehicle while under the influence of cannabis and alcohol – All ages: 23152(g) VC – Misdemeanor Codes: 240 – Drunk driving alcohol and marijuana (cause injury or death) 244 – Drunk driving alcohol and marijuana 246 – Drunk Driving Marijuana
Smoking/ Ingesting in Vehicle	SH-CR-66 SH-CR-607 URN 18	Patrol/Station Traffic A	Smoking or ingesting any cannabis or cannabis product while **driving** a vehicle: 23221(a) VC – Infraction Smoking or ingesting any cannabis or cannabis product while a **passenger** in a driven vehicle: 23221(b) VC - Infraction The cannabis used in the violation shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction
Open container	SH-CR-66 SH-CR-607 URN	Patrol/station Traffic A	Cannabis or cannabis products which have been opened or have a seal broken, or loose cannabis flowers not in a container must be on the **driver's person**:

	18		23222(b)(1) VC – Infraction Exceptions: 1. May be in the trunk of the vehicle. Per 23225(a)(2) VC – if the vehicle does not have a trunk, the container (no loose flowers) shall be kept in some other area of the vehicle that is not normally occupied by the driver or passenger – a utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passenger. 2. Does not apply to persons with medical marijuana cards and both of the following apply: a. Person is carrying a current card or physician's recommendation, and b. The cannabis is in a sealed, resealed, or closed container (no loose flowers). A person riding in the **passenger** seat or compartment of a vehicle, boat, vessel, aircraft, or other vehicle used for transportation may not possess an open container or open package of cannabis or cannabis product: 11362.3(a)(4) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction

Schools/Day Care/Youth Center Possess, smoke, or ingest on school grounds	SH-CR-66 SH-CR-607 URN 18	Patrol A	**18 years of age or older** cannot possess, smoke, or ingest cannabis and/or concentrated cannabis on school grounds (kindergarten through 12th grade) during class hours or a school-related program: 11357(c) H&S – Misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 188 – Cannabis (marijuana) misdemeanor **17 years of age or younger** to possess, smoke, or ingest cannabis and/or concentrated cannabis on school grounds (kindergarten through 12th grade) during class hours or a school-related program: 11357(d) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction

Possess, smoke, or ingest on day care/youth center	SH-CR-66 SH-CR-607 URN 18	Patrol A	**18 years of age of older** – a person cannot possess, smoke, or ingest cannabis or a cannabis product on the grounds of a day care center or youth center while children are present: 11357(c) – Misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 188 – Cannabis (marijuana) misdemeanor **17 years of age or younger** to possess, smoke, or ingest cannabis and/or concentrated cannabis on the grounds of a day care center or youth center while children are present: 11357(d) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (Marijuana) Infraction

Within a 1000 Feet of school/day care/youth center	SH-CR-66 SH-CR-607 URN 18	Patrol A	Smoking cannabis or cannabis products within 1000 feet of a school, day care center, or youth center is an infraction if children are present: 11362.3(a)(3) H&S – Infraction Exception – a private residence or retailer or microbusiness licensed by a local government and only if such smoking is NOT detectable by others on the grounds of the school, day care center, or youth center while children are present. The cannabis used for the infraction shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction
Live Plants Six or less cannabis plants	SH-CR-66 SH-CR-607 URN 18	Patrol A	**21 years of age or older** Cultivation, harvest, drying, or processing of cannabis plants are limited to six plants per residence. Must be on residential grounds, in a locked space, and not visible by normal unaided vision from a public place. Local ordinance may require plants grown indoors at a private residence. See location's local ordinances. Violation of any of the restrictions is an infraction. 11362.2(a) – Infraction The cannabis involved in the violation shall be seized as evidence and handled per Department evidence procedures.

			Code 189 – Cannabis (marijuana) infraction **18 through 20 years of age** It is unlawful for a person 18 through 20 years of age to cultivate, harvest, dry, or process six or less cannabis plants: 11358(b) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction **17 years of age or younger** It is unlawful for a person 17 years of age or younger to cultivate, harvest, dry, or process six or less cannabis plants: 11358(a) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction

More than six cannabis plants:	Infraction or misdemeanor: SH-CR-66 SH-CR-607 URN 18 Felony: SH-R-49 URN 18	Infraction or misdemeanor: Patrol Felony: Narcotics Bureau A	**18 years of age or older** It is unlawful for a person 18 years of age or older to cultivate, harvest, dry, or process more than six cannabis plants: 11358(c) H&S – Misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 188 – Cannabis (marijuana) misdemeanor A person over 18 years of age could be charged with a **felony** for cultivating, harvesting, drying, or processing more than six cannabis plants if certain conditions exist. See 11358(d) H&S for conditions. **17 years of age or younger** It is unlawful for a person 17 years of age or younger to cultivate, harvest, dry, or process more than six cannabis plants: 11358(a) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction

Public Places	SH-CR-66 SH-CR-607 URN 18	Patrol A	Smoking or ingesting cannabis or cannabis products in a **public place** – all ages. Smoking is defined as to inhale, exhale, burn, or carry any lighted or heated device or pipe, or other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. Smoke includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purposes of circumventing the prohibition of smoking in a place. 11362.3(a)(1) – Infraction The cannabis involved in the violation shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction Smoke cannabis or cannabis products in a location where smoking **tobacco is prohibited**. See definition of smoking above. 11362.3(a)(2) – Infraction The cannabis involved in the violation shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction
Give Away/Sales/ Sells/ Transport	Infraction or misdemeanor:	Infraction or misdemeanor:	It is **lawful** for a person 21 years of age or older to give away, with no

Give Away (Includes Offer to)	SH-CR-66 SH-CR-607 URN 18 Felony: SH-R-49 URN 18	Patrol Felony: Narcotics Bureau A	compensation, to a person 21 years of age or older 28.5 grams or less of cannabis (11362.1(a)(1) H&S) and/or 8 grams or less of concentrated cannabis (11362.1(a)(2) H&S). **Any amount of cannabis** A person 18 years or older gives, furnish, or administers (or offers to) to a minor under 14 years of age is a felony: 11361(a) H&S – Felony The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 187 – Cannabis (marijuana) felony A person 18 years of age or older gives, furnishes, or administers (or offers to) to a minor 14 years of age or older is a felony: 11361(b) H&S – Felony The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 187 – Cannabis (marijuana) felony **28.5 grams of cannabis or less** (does not include concentrated cannabis) – all ages to a person 18 through 20 years of age: 11360(b) H&S - Infraction 1136(b) H&S states that anyone cited with this code shall be issued a citation and not subjected to booking, as long as, they present satisfactory

			evidence of identification and sign the citation with a promise to appear. The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction **More than 28.5 grams of cannabis** or any amount of concentrated cannabis is based on age: **17 years of age or younger**: 11360(a)(1) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction **18 years of age or older**: 11360(a)(2) – Misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 188 – Cannabis (Marijuana) Misdemeanor
Possession for Sales (Includes Offer to)	Infraction or Misdemeanor: SH-CR-66 SH-CR-607 URN 18	Infraction or Misdemeanor: Patrol Felony: Narcotics Bureau A	This section does not apply to licensed cannabis dispensaries. **18 years of age or older**, it is unlawful to possess cannabis for sale: 11359(b) H&S – Misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures.

	Felony: SH-R-49 URN 18		Code 188 – Cannabis (marijuana) misdemeanor With certain criteria, possession for sale may be a felony. See 11359(c) H&S and 11359(d) H&S. **17 years of age and younger**, it is unlawful to possess cannabis for sale: 11359(a) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction **21 years of age or older** who possesses cannabis for sale and knowingly hires, employs, or uses a person 20 years of age or younger in unlawfully cultivating, transporting, carrying, selling, offering to sell, give away, preparing for sale or peddling cannabis: 11359(d) – Felony The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 187 – Cannabis (marijuana) felony Narcotics Bureau personnel shall be notified in all situations relating to possession for sale or sale of cannabis where follow-up investigation or the acquisition and service of a search warrant is necessary. Such cases shall be the responsibility of Narcotics Bureau; however, in the event that Narcotics Bureau is unable to pursue the

			investigation in a timely manner, the reporting station/unit may undertake the required investigative effort after Narcotics Bureau establishes that there are no conflicting investigations under way that may constitute hazards. If immediate investigation is necessary and the Narcotics Bureau personnel are unavailable, notify Narcotics Bureau headquarters by phone or, after hours, the Sheriff's Information Bureau (SIB). In situations where the cannabis sales from a specific area or location become chronic, a memorandum detailing the activity shall be prepared, signed by the unit commander, and submitted through channels to Narcotics Bureau headquarters.

Sale of cannabis (Includes Offer to)	Infraction or misdemeanor: SH-CR-66 SH-CR-607 URN 18 Felony: SH-R-49 URN 18	Infraction or misdemeanor: Patrol Felony: Narcotics Bureau A	This section does not apply to licensed cannabis dispensaries. **17 years of age or younger**: 11360(a)(1) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction **18 years of age or older**: 11360(a)(2) – Misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 188 – Cannabis (marijuana) misdemeanor With certain criteria, the selling of cannabis may be a felony. See 11360(a)(3) H&S.
Transport for sale (includes offer to and attempt to)	Infraction or misdemeanor: SH-CR-66 SH-CR-607 URN 18 Felony: SH-R-49 URN	Infraction or misdemeanor: Patrol Felony: Narcotics Bureau A	For this H&S section, transport means transport for sale. **28.5 grams of cannabis or less** (does not include concentrated cannabis) – all ages: 11360(b) H&S - Infraction 11360(b) H&S states that anyone cited with this code shall be issued a citation and not subjected to booking, as long as, they present satisfactory evidence of identification and sign the citation with a promise to appear. The cannabis involved in the violation shall be seized as evidence and

	18		handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction **More than 28.5 grams of cannabis** or any amount of concentrated cannabis **17 years of age or younger**: 11360(a)(1) H&S – Infraction The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 189 – Cannabis (marijuana) infraction **18 years of age or older**: 11360(a)(2) – Misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 188 – Cannabis (marijuana) misdemeanor With certain criteria, transportation of cannabis may be a felony. See 11360(a)(3) H&S.
Miscellaneous cannabis charges	Misdemeanor: SH-CR-66 SH-CR-607 URN 18	Misdemeanor: Patrol Felony: Narcotics Bureau	**11361(a) H&S** Using a minor to unlawfully transport, carrying, selling, giving away, preparing for sale, or peddling any cannabis or induces a minor to use cannabis: 11361(a) H&S – Felony The cannabis shall be seized as evidence and handled per Department evidence procedures.

	Felony: SH-R-49 URN 18		Code 187 – Cannabis (marijuana) felony **11362.3(a)(6) H&S** Manufacture of concentrated cannabis using volatile solvent: 11363.3(a)(6) H&S – Felony The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 187 – Cannabis (marijuana) felony **11366 H&S** Opening or maintain a place for the purpose of unlawful selling, giving away, or using cannabis: 11366 H&S – Felony/misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 187 – Cannabis (marijuana) felony Code 399 – All other misdemeanors **11366.5(a) H&S** Owner of property for unlawfully manufacturing, storing, or distributing cannabis: 11366.5(a) H&S – Felony/misdemeanor The cannabis shall be seized as evidence and handled per Department evidence procedures. Code 187 – Cannabis (marijuana) felony Code 399 – All other misdemeanors

Synthetic Cannabis	SH-CR-66 SH-CR-607 URN 18	Patrol A	Sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound or any synthetic cannabinoid derivative: 11357.5(a) H&S – Misdemeanor The synthetic cannabinoid compound or any synthetic cannabinoid derivative shall be seized as evidence and handled per Department evidence procedures. Code 188 – Cannabis (marijuana) misdemeanor **Uses or possesses** any synthetic cannabinoid compound or any synthetic cannabinoid derivative: 11357.5(b) H&S – Infraction/ misdemeanor 1st and 2nd offense – Infraction 3rd or more offense – Misdemeanor For definition of synthetic cannabinoid compound or any synthetic cannabinoid derivative see 11357.5(c) H&S. The synthetic cannabinoid compound or any synthetic cannabinoid derivative shall be seized as evidence and handled per Department evidence procedures. Code 188 – Cannabis (marijuana) misdemeanor or Code 189 – Cannabis (marijuana)

			infraction