5-09/360.05 - Cannabis (Marijuana)

It is legal to possess 28.5 grams or less of cannabis, and/or 8 grams or less of concentrated cannabis if a person is 21 years of age or older.

When the cannabis violation is an infraction or misdemeanor, the handling deputy shall not book the suspect (except as described below) and shall:

- Issue a citation (form 76T551-CR-66);
- Complete the Statement of Facts (form SH-CR-607); and
- The cannabis shall be seized as evidence and handled per Department evidence procedures.

If a traffic violation is included, one citation shall be issued for the traffic violation and the cannabis violation.

If the suspect refuses to sign the citation or has no identification and cannot be sufficiently identified, the person shall be arrested.

When the cannabis violation is a felony, the handling deputy shall:

- Arrest and book the suspect;
- Complete an Incident Report (form SH-R-49);
- The cannabis shall be seized as evidence and handled per Department evidence procedures; and
- Advise Narcotics Bureau. If after hours, contact Narcotics Bureau through the Sheriff's Information Bureau (SIB).

Deputy personnel who charge a suspect with a primary felony offense and additionally charge the suspect with an infraction or misdemeanor cannabis violation shall document all violations in the Incident Report (SH-R-49). Under these circumstances, deputy personnel shall not issue a separate citation (76T551-CR-66) to the suspect for the cannabis charge, nor shall a Statement of Facts (SH-CR-607) be completed.

See section 4-06/005.00, Cannabis, for detailed charges and procedures regarding cannabis.