

SB 242 – Cannabis Offenses

This bill amends s. 893.13, F.S., removing the 1st degree misdemeanors for delivery and possession of 20 grams or less of cannabis, making each a noncriminal violation. Additionally, it adds that “a person in possession of more than 20 grams of cannabis, as defined in this chapter, or more than 600 milligrams of THC in cannabis products” commits a 1st degree misdemeanor. Previously, such possession was a Level 1, 3rd degree felony.

Per DOC, in FY 18-19, there were 69 new commitments to prison for possession of cannabis between 20 grams and 25 pounds. Of these, 30 commitments had multiple offenses other than marijuana possession. Although sentencing data is not currently available for FY 18-19, in FY 17-18 such marijuana possession saw roughly 3.0% of offenders sentenced to prison. Additionally, the weight thresholds for this offense overlap with sale/manufacture/delivery, a Level 3, 3rd degree felony, so it is possible that they pled down to a lesser offense, yet still received a prison sentence. Similar weight thresholds also exist under purchase/possess with intent to purchase, which is a Level 1, 3rd degree felony. Without enough data regarding these offenders, the impact cannot be quantified at this time.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: Senate