

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 2: CONTRABAND OFFENSES**

**§ 2142. Possession; Penalties.**

(a) It is unlawful for any person knowingly or intentionally to possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(b) Any person who violates subsection (a) of this section with respect to any controlled substance except marijuana shall be sentenced to a term of imprisonment of not more than five years not subject to suspension, parole or probation, and a fine of \$2,000.

(c) Any person who violates subsection (a) of this section with respect to marijuana may be penalized as follows:

(1) Any person who possesses one ounce or less shall be fined not more than \$50.

(2) Any person possessing more than one ounce but less than 2.2 pounds may be sentenced to a term of imprisonment of not more than three months, a fine of not more than \$500, or both.

(3) Any person possessing 2.2 pounds or more of marijuana may be sentenced to a term of not more than one year, a fine of not more than \$1,000, or both. The possession of 2.2 pounds or more of marijuana by any person creates a rebuttable presumption of the crime of trafficking under 6 CMC § 2141(b)(2).

(d) Any person who violates subsection (a) of this section with respect to methamphetaminehydrochloride, cocaine, or heroin may be penalized, in addition to the penalties described in subsection (b) of this section as follows:

(1) Any person found guilty of a first offense of possession of one gram or less shall be sentenced to a term of imprisonment of not less than 30 days. Any person convicted of a second offense of possession of less than one gram shall be sentenced to a term of not less than 60 days. Having been convicted of a second offense, any person convicted of subsequent offenses of possession of less than one gram shall be sentenced to a term of imprisonment of not less than 90 days.

(2) Any person possessing one gram or more but less than five grams shall be sentenced to a term of imprisonment of not less than 60 days. Any person found guilty of a second offense of possession of not more than five grams shall be sentenced to a term of imprisonment of not less than 90 days. Having been convicted of a second offense of possession of more than one gram but less than five grams, any person convicted for subsequent possession of a controlled substance shall be sentenced to a term of imprisonment of not less than six months.

(3) Any person possessing five grams or more shall be sentenced to a term of imprisonment of not less than one year. The possession of five grams or more by any person creates a rebuttable presumption of the crime of trafficking under 6 CMC § 2141(b)(2).

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(4) Any person possessing any quantity of a controlled substance and found to be in possession of an illegal firearm shall be sentenced to a mandatory five-year term of imprisonment not subject to suspension, probation or parole.

(5) Any person possessing any quantity of a controlled substance and found to have discharged any legal or illegal firearm in connection with that possession or subsequent apprehension for that possession shall be sentenced to a term of imprisonment of not less than five years, not subject to probation, parole, or suspension, to be served consecutively with any other terms of imprisonment imposed for that possession.

**Source:** 63 TTC § 292; amended by PL 7-42, § 5.

**Commission Comment:** With respect to PL 7-42, see the comment to 6 CMC § 2141.