

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-248.1 of the Code of Virginia, relating to penalties for sale, gift,*
3 *distribution or possession with intent to sell, give or distribute marijuana.*

4 [S 199]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-248.1 of the Code of Virginia is amended and reenacted as follows:**8 § 18.2-248.1. Penalties for sale, gift, distribution or possession with intent to sell, give or distribute
9 marijuana.10 Except as authorized in the Drug Control Act, Chapter 34 of Title 54.1, it shall be unlawful for any
11 person to sell, give, distribute or possess with intent to sell, give or distribute marijuana.

12 (a) Any person who violates this section with respect to:

13 (1) Not more than one-half ounce of marijuana is guilty of a Class 1 misdemeanor;

14 (2) More than one-half ounce but not more than five pounds of marijuana is guilty of a Class 5
15 felony;16 (3) More than five pounds of marijuana is guilty of a felony punishable by imprisonment of not less
17 than five nor more than thirty years.18 If such person proves that he gave, distributed or possessed with intent to give or distribute
19 marijuana only as an accommodation to another individual and not with intent to profit thereby from
20 any consideration received or expected nor to induce the recipient or intended recipient of the marijuana
21 to use or become addicted to or dependent upon such marijuana, he shall be guilty of a Class 1
22 misdemeanor.23 (b) Any person who gives, distributes or possesses marijuana as an accommodation and not with
24 intent to profit thereby, to an inmate of a ~~penal institution as defined in § 53-19.18~~ *state or local*
25 *correctional facility as defined in § 53.1-1*, or in the custody of an employee thereof shall be guilty of a
26 Class 5 4 felony.27 (c) Any person who manufactures marijuana, or possesses marijuana with the intent to manufacture
28 such substance, not for his own use is guilty of a felony punishable by imprisonment of not less than
29 five nor more than thirty years and a fine not to exceed \$10,000.30 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**
31 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
32 **is \$0 in FY 2010.**

ENROLLED

SB199ER