

For sake of brevity, this assumes adults 21 years or older. Stuff gets complicated real fast with people under the age of 18 or between 18 and 21. This also assumes children are not present, not on school grounds, daycare centers, and the like. If you have those situations or want more details, you can refer to the chart put out by the Drug Policy Alliance.

CURRENTLY CHARGED WITH A MARIJUANA-RELATED OFFENSE

HSC11357(a)

Less than 8 grams of concentrated cannabis is legal under HSC11362.1(a)(2).

Unlawful possession of more than 4 grams of concentrated cannabis is a 6-month misdemeanor under HSC11357(b)(2)

HSC11357(b)

Less than 28.5 grams of marijuana is legal under HSC11362.1(a)(1)

HSC11357(c)

More than 28.5 grams of marijuana is still a 6-month misdemeanor, but now under HSC11357(b)(2)

HSC11358

Fewer than 7 plants is legal under HSC11362.1(a)(3), but HSC11362.2/HSC11362.4 may impose additional restrictions that could result in infraction

More than 6 plants is a 6-month misdemeanor, unless exceptions apply. (HSC11358(c))

Exceptions are prior convictions of HSC11358(c), 290(c) registrant, super-strike, violations of specific Fish and Game Code, Water Code, Penal Code, or just abusing public lands, which can make it a 16-2-3 county jail felony.

This is a priorable offense. Statute specifically says HSC11358(c) so pre-Prop 64 HSC11358s don't count. Two or more HSC11358(c) convictions may be 16-2-3 county jail felony.

HSC11359

Possession for sale is now a 6-month misdemeanor, unless exceptions apply. (HSC11359(b))

Exceptions are 290(c) registrant, super-strike, sales to person under 18, or employing people under 21, which makes it a 16-2-3 county jail felony.

This is a priorable offense. Statute specifically says HSC11359(b) so pre-Prop 64 HSC11359s don't count. Two or more HSC11359(b) convictions may be 16-2-3 county jail felony.

HSC 11360

Transportation of less than 28.5g of marijuana or less than 8g of concentrated cannabis is legal under HSC11362.(a)(1) or (a)(2).

Unlawful transportation for sales, importation, sales, furnishing, administering, giving away is a 6-month misdemeanor, with exceptions. (HSC11360(a)(2))

Exceptions are 290(c) registrant, super-strike, two or more prior convictions, or sales to someone under 18 years of age, or importing or transporting across state lines of more than 28.5g of marijuana or more than 4g of concentrated cannabis, which makes it a 2-3-4 county jail felony.

This is a priorable offense. Statute specifically says HSC11360(a)(2) so pre-Prop 64 HSC11360s don't count. Three or more HSC11360(a)(2) convictions may be 2-3-4 county jail felony.

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PRIOR CONVICTION OF MARIJUANA-RELATED OFFENSE

Similar to Prop 47, Prop 64 provides for retroactive relief for prior convictions under HSC11361.8. Prop 64 fixes a few problems that Prop 47 has. A person seeking relief is presumed eligible, and the prosecutor has to provide "clear and convincing evidence" to rebut that presumption. (HSC11361.8(b),(f)) Prop 64 has no deadlines. If a conviction was a result of a plea bargain in which charges were dismissed, and that conviction is subject to Prop 64, the dismissed charges cannot be refilled. A Prop 64 reduction is a "misdemeanor for all purposes." End of sentence. So that means a Prop 64 reduction will probably restore gun rights, since it doesn't have a "no guns" clause like Prop 47 does. And Prop 64 explicitly applies to juvenile proceedings, so didn't need a court decision for that.

Dismissals

- HSC11357(a) of less than 8g of concentrated cannabis (Legal under HSC1136.1(a)(2))
- HSC11357(b) of less than 28.5g of marijuana (Legal under HSC11361.2(a)(1))
- HSC11358 of less than 28.5g of marijuana (Legal under HSC11362.1(a)(1))
- HSC11360 of transportation of less than 28.5g of marijuana and less than 8g (Legal under HSC11362.1(a)(1) or (a)(2))

Reductions to infractions

- HSC11358 of fewer than 7 plants for personal use at home but (1) visible to the public, or (2) not in locked space. (HSC11362.2(a), HSC11362.4(e))
- HSC11358 of more than 7 plants by someone under 18 (HSC11358(a)/HSC11357(b)(1))
- HSC11358 of more than 7 plants by someone over 18 but under 21 (HSC11358(b))
- Using marijuana in public (HSC11362.3(a)(1))
- Open container of marijuana in vehicle (HSC11362.3(a)(4))
- Using marijuana while operating a vehicle (HSC11362.3(a)(7))
- Using marijuana while a passenger (HSC11362.3(a)(8))

Reductions to misdemeanor

- HSC11358 of more than 6 plants by an adult, with exceptions (6-month misdemeanor under HSC11358(c))
- HSC11359 (6-month misdemeanor under HSC11359)
- HSC11360 for giving away more than 28.5g of marijuana or more than 8g of concentrated cannabis (6-month misdemeanor under HSC11360(a)(2))
- HSC11360 for transport for sales or sales (6-month misdemeanor under HSC11360(a)(2))

No reductions or dismissals

- HSC11357(c) of possession of more than 28.5g of marijuana (Still a 6-month misdemeanor under HSC11357(b)(2))
- HSC11357(a) of more than 8g of concentrated cannabis (From 1-year to 6-month misdemeanor under HSC11357(b)(2))
- HSC11366 maintaining a place
- HSC1366.5 allowing manufacturing or storing of controlled substances
- HSC11379.6 making BHO/honey oil/hash oil (illegal under HSC11362.3(a)(6) also)