



MORRISTOWN NEW JERSEY CRIMINAL LAW POST | THE TORMEY LAW FIRM

## 7 Must-Know Tidbits About Juvenile Marijuana Possession in New Jersey

BY TRAVIS TORMEY ON JANUARY 15, 2019

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### Juvenile Arrested for Marijuana in Morris County?



Many of the same laws apply in full force to juveniles just as they do to adults in New Jersey. However, juveniles are often treated differently with more minor offenses, and some drug crimes will fall under this more lenient treatment. One of the most common drug crimes involving minors in New Jersey relates to simple marijuana possession, also known as possession of under 50 grams of marijuana. Below are just a few things that you should know as a minor or a parent if your child is charged with this type of offense.

## 1. Possession of Less Than 50 Grams of Marijuana is a Disorderly Persons Offense

If anyone is charged with simple possession of marijuana, this is a criminal misdemeanor, called a disorderly persons offense. The maximum amount of time in jail is six months, and you can face up to \$1,000 in fines. If possession is over 50 grams, however, it is considered an indictable crime. In either type of charge, your driver's license may be suspended for six months. Juveniles, however, face a different kind of penalty after a marijuana possession charge.

## 2. Sentences for Juvenile Marijuana Possession Charges are Flexible

If you get a possession charge as an adult, you may only have a couple of choices when it comes to a potential sentence. Most of those include jail time and fines, unless you have no prior criminal record, in which case you may be eligible for **Conditional Discharge** (explained below). As a minor, however, your sentence may involve things like probation, community service, drug rehabilitation, mental health counseling, or restitution. Suspension of driving privileges is also likely.

## 3. Your Child May Qualify for a Deferred Disposition

Individuals charged with marijuana possession who are first-time offenders are often eligible for a divisionary program called Conditional Discharge. This type of program allows them to stay out of jail and avoid a criminal record by completing a period of probation, during which they may have to submit to random drug testing. A deferred disposition in a juvenile case works very similar to having conditional discharge as an adult. Essentially, the minor can fulfill the requirements imposed by the juvenile judge and keep their juvenile record clean.

## 4. Paraphernalia Can Also Trigger a Weed Possession Charge in New Jersey

If a minor has a pipe that has marijuana residue, even if they do not have any marijuana on them, the minor can still be charged with possession of pot. The same can be said if an officer finds a joint nearby, even if it has already been mostly smoked. Essentially, any amount of a drug found in drug paraphernalia can lead to drug possession charges under New Jersey law.

## **5. Having Drug Paraphernalia is a Separate Charge**

A minor might also be charged with **possession of drug paraphernalia** in addition to possession. That type of charge is also a disorderly persons offense. Even things like jars, pipes, rolling papers, bongos, scales, and electronic cigarettes could all be considered drug paraphernalia in some circumstances.

## **6. Marijuana Possession Charges for Juveniles Are Heard in Family Court**

If you are under the age of 18, your possession charge will be heard in Family Court of the Superior Court in the county where you reside. It does not matter that you were charged in a different county—you must return to the county where you live to be charged as a juvenile. However, if you are over 18, then you will be prosecuted in Municipal Court where the incident occurred. If you or your child is a Morris County resident, your juvenile marijuana case will be heard in the Morris County Superior Court Family Division in Morristown, NJ.

## **7. You Might Have More Defenses Available Than You Realize**

When police find marijuana, it is often the result of a search. However, there are only certain conditions that searches are permitted. If the search was invalid and they found marijuana as a result of the invalid or illegal search, then the evidence that it existed at all could be thrown out. Even questioning and telling someone about their rights must be done in a specific way. Any of these factors could create a defense to a juvenile marijuana possession charge.

## 8. Juveniles Will Still Face Drug Charges if Marijuana is Legalized in NJ

Although the question of whether marijuana will be legalized in New Jersey is still up in the air, one thing is certain: juveniles will still be charged with criminal offenses for marijuana possession if it is legalized. Minors and parents should keep this in mind regardless of what happens with any new marijuana laws in the coming months.

If you or your child has been charged with marijuana possession, get help formulating the best defense from our Morris County marijuana possession lawyers. Learn more about how we can help by **contacting us today** for a free consultation.

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