



Penalties and Collateral Consequences for Marijuana Possession

Texas arrests more than 60,000 people annually for marijuana possession. Of those arrested, an estimated **41,000 people were convicted** of marijuana possession and will carry a criminal record for life. More than 40% of those arrested are high school and college age youth.

Penalty/Collateral Consequence	Class B Misdemeanor (Current Law)	Class C Misdemeanor	Civil Penalty
Fine	Up to \$2,000	Up to \$500	Up to \$250
Arrest	Yes	Yes	No
Jail Time	Up to 180 Days	No	No
Permanent Criminal Record	Yes	Yes	No
Drivers License Suspension¹	Yes	Yes	No
License To Carry Suspended² (7yrs.)	Yes	Yes	No
Court Appointed Attorney	Yes	No	No
Financial Aid Affected³	Yes	Yes	No
Military Service Jeopardized⁴	Yes	Yes	No
Naturalization Jeopardized⁵	Yes	Yes	No
Housing Options Limited⁶	Yes	Yes	No
Professional Licensing Affected⁷	Yes	Yes	No
Work Visa Denied⁸	Yes	Yes	No

¹ Individuals convicted of a drug or controlled substance offense will have their driver's license suspended for 180 days. <https://www.dps.texas.gov/DriverLicense/DrugOffenses.htm>

² State law requires DPS to suspend a license, if the license holder is charged with a Class A, or Class B misdemeanor offense. https://statutes.capitol.texas.gov/Docs/GV/htm/GV_411.htm#411.187

³ According to the U.S. Department of Education: "Is it true that drug convictions might affect my ability to get federal student aid? Yes; your eligibility might be suspended if the offense occurred while you were receiving federal student aid (grants, loans, or work-study)." <https://studentaid.ed.gov/sa/eligibility/criminal-convictions#drug-convictions>

⁴ Whether someone with a misdemeanor record may enlist in the U.S. Armed Services depends on several factors, including the nature, number, seriousness, and circumstances of the crime and when they were committed. Some crimes, unless expunged, are a bar to enlistment. <https://www.cga.ct.gov/2005/rpt/2005-R-0556.htm>

⁵ 8 USC sec. 1227(a)(2)(B)

⁶ "PHA/owner has discretion to admit applicants with a history of drug-related offenses..." <https://affordablehousingonline.com/guide/criminal-records-housing/hud-requirements>

⁷ <https://www.tdlr.texas.gov/crimconvict.htm>

⁸ If a Texas resident and U.S. Citizen wishes to work overseas for which a work visa is required they often must undergo a criminal background check and must provide a "certificate of good conduct" or "lack of a criminal record". <https://travel.state.gov/content/travel/en/international-travel/while-abroad/criminal-record-checks.html>