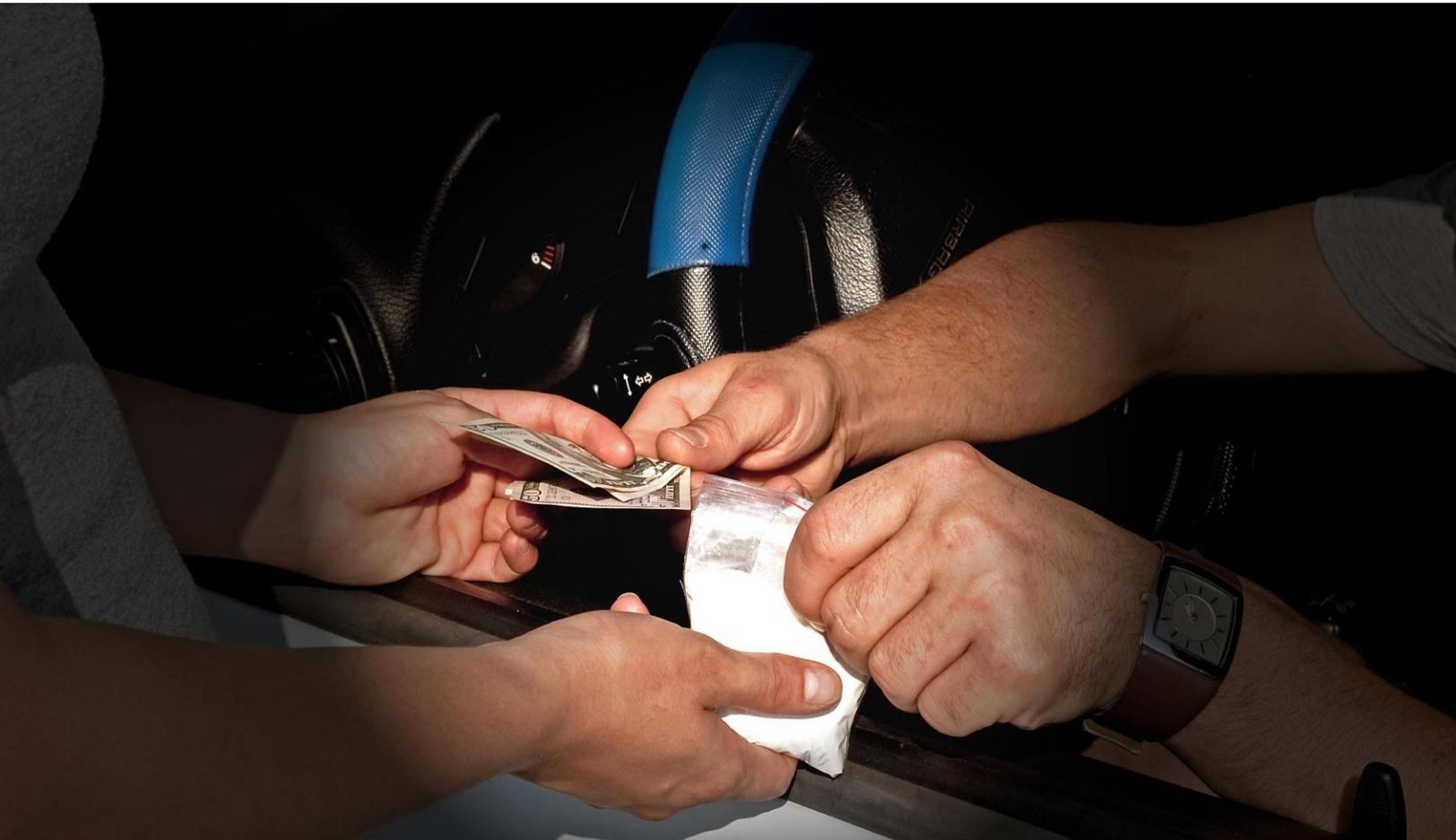


# DRUG CHARGES AND PENALTIES IN TENNESSEE

*“If you find yourself facing charges for one (or more) of Tennessee’s drug laws it is imperative that you take the matter seriously given the numerous judicial and non-judicial consequences of a conviction.”*





Since the “War on Drugs” began in the United States four decades ago, the laws in the U.S. have changed dramatically. Most states, including the State of Tennessee, have passed tougher drug laws and have implemented harsher penalties for defendants convicted of those laws. If you find yourself facing charges for one (or more) of Tennessee’s drug laws it is imperative that you take the matter seriously given the numerous judicial and non-judicial consequences of a conviction. Only an experienced Tennessee criminal defense attorney can provide you with specific advice and guidance; however, a brief overview of the various offenses and penalties may be beneficial to you as well.

## Felony vs. Misdemeanor



Like most states, Tennessee divides criminal offenses into two broad categories – felonies and misdemeanors with felonies being more serious offenses. Felony offenses are then divided into five categories, Class A through Class E felonies with Class A felonies being the most serious offenses in the State of Tennessee.

Misdemeanor offenses are also divided into Class A, B, and C misdemeanors with Class A misdemeanors being the most serious of the misdemeanor offenses.

## Controlled Substance Schedules

The U.S. federal government classifies drugs according to the Controlled Substance Act, CSA. Most states, including Tennessee, have adopted the “schedules” found in the CSA, though some minor changes are often made to the schedules. The controlled substance schedules classify drugs based on the drug’s risk of addiction and known medical use. The schedules are as follows:

- **Schedule I** –high risk of addiction or dependency and no legitimate medical use. Includes drugs such as heroin, LSD, and ecstasy.
- **Schedule II** –high risk of addiction but with legitimate medical use. Includes cocaine, amphetamines and opiates.
- **Schedule III** –moderate risk of abuse or addiction but with known medical uses. Includes anabolic steroids, ketamine, and some depressants.
- **Schedule IV** –low to moderate risk of addiction or abuse with various known medical uses. Includes anti-depressants, sedatives, and tranquilizers.
- **Schedule V** –very low risk of addiction and commonly used for medical purposes. Includes drugs such as Tylenol with codeine.
- **Schedule VI** –very low risk of addiction or dependency. Marijuana is included in this schedule.
- **Schedule VII** -- includes only Butyl Nitrate also called “poppers”.

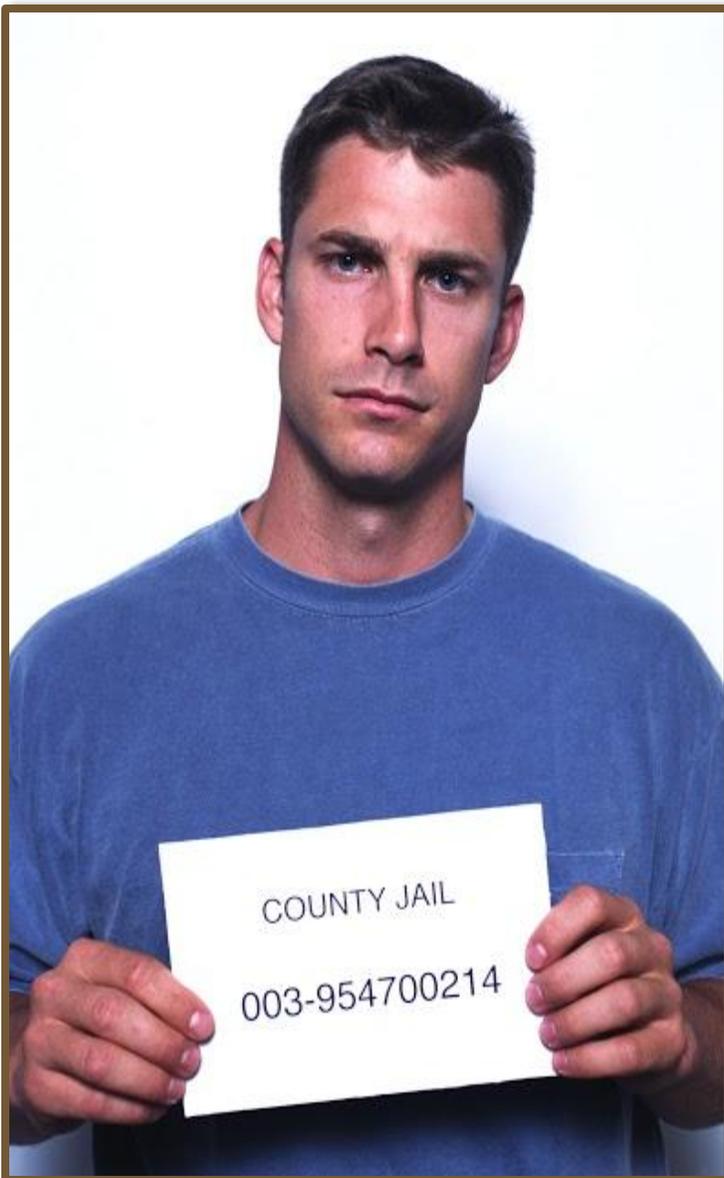
## Tennessee’s Marijuana Laws

The general public’s opinion on the legal standing of marijuana has been changing dramatically in the recent years. Not surprisingly, state laws have also been changing across the country. Although Tennessee is not among the state’s that have legalized marijuana for medicinal or recreational use yet, marijuana is still treated differently than other controlled substances despite the fact that marijuana is legally considered to be a controlled substance.

Simple possession of marijuana as a first or second time offense is a misdemeanor in Tennessee, punishable by up to a year in prison. Both the cultivation and sale of marijuana is

a felony, punishable by anywhere from one year to 60 years in prison, depending on how much marijuana was involved.

## Penalties for Possession of a Controlled Substance (Other than Marijuana)



In Tennessee, drug crimes are also divided into crimes involving the possession of a controlled dangerous substance, or CDS, and those involving the sale or manufacture of a CDS. Possession of a CDS in the State of Tennessee is charged as a Class A misdemeanor offense for the first and second you are charged with the offense. As a Class A misdemeanor offense the potential penalties include up to a year in jail and a fine and/or a fine of up to \$2,500. For a third or subsequent arrest, possession of a controlled substance is charged as a Class E felony which carries a term of imprisonment of one to six years and a fine of up to \$3,000. The potential penalties for possession of a CDS will increase if the offense was committed in a designated "Drug Free Zone" such

as within 1,000 feet of a school.

# Penalties for the Sale or Manufacture of a Controlled Substance

The penalties you face for the sale of a controlled substance in Tennessee depend, for the most part, the schedule of the drug. Keep in mind that drugs are reclassified from time to time and penalties can also change if the legislature sees fit to change them; however, the following is a basic guide to penalties for the sale of many common controlled substances in Tennessee:

**Specified CDS** – making or selling specified amounts of certain controlled substances is a Class A felony in Tennessee, carrying a prison sentence of 15 to 60 years and/or a fine of up to \$500,000. In lesser amounts the sale or manufacture constitutes a Class B felony. The CDSs include:

- •heroin
- •morphine
- •hydromorphone
- •Lysergic acid diethylamide (LSD)
- •cocaine
- •pentazocine or tripeleminamine
- •phencyclidine (PCP)
- •barbituric acid
- •phenmetrazine
- •amphetamine or methamphetamine
- •peyote

- **Weapons or Injuries** – if you carried or used a weapon, or if someone suffered serious bodily injury or death, during the sale of any controlled substance it is a Class B felony in Tennessee, carrying a prison term of eight to 30 years and/or a fine of up to \$100,000.
- **Schedule I drugs** – the sale of a Schedule I CDS, or 0.5 grams or more of cocaine or methamphetamine, is a Class B felony in Tennessee which carries a minimum of eight years and a maximum of 30 years in prison and/or a fine of up to \$100,000.
- **Schedule II drugs** – the sale of a Schedule II CDS is a class C felony, punishable by three to 15 years in prison and/or a fine of up to \$100,000.
- **Schedule III and IV drugs** – the sale of Schedule III or IV CDS is a Class D felony in Tennessee, punishable by two to 12 years in prison and/or up to a \$50,000 fine.
- **Schedule V and VI drugs** – selling a Schedule V controlled substance is a Class D felony, punishable by one to six years in prison and/or a fine of \$5,000 or \$1,000 respectively.

If you are facing charges for the possession, sale, or manufacture of a controlled substance in Tennessee it is imperative that you consult with an experienced Tennessee criminal defense attorney as soon as possible to ensure that your rights are protected and to get started on your defense.

Tennessee Department of Mental Health, [Controlled Substance Schedules](#)

Criminal Defense Lawyer.com, [Tennessee Felony Crimes by Class and Statute](#)

NORML, [Tennessee Laws and Penalties](#)

Sentencing Commission, [Tennessee Drug Statutes Chart](#)

University of Tennessee, [An Overview of Criminal Offenses under Tennessee Law](#)

Criminal Defense Lawyer.com, [Possession of a Controlled Substance in Tennessee](#)

Criminal Defense Lawyer.com, [Tennessee Sale of a Controlled Substance Law](#)

## About Bennett and Michael, Attorneys at Law



The law firm of Bennett & Michael is located on the historic public square in Murfreesboro, Tennessee. We offer knowledgeable and effective representation for families in divorce and family law situations, injured victims of negligent accidents, and those charged with misdemeanor or felony offenses.

Our firm takes pride in being a local law firm that delivers superior results at competitive prices right here at home for the people of Murfreesboro, Smyrna, La Vergne, and the greater Rutherford County area. Our staff is professional and helpful, and our attorneys are experienced litigators and trial lawyers.

When you need legal help, you should be confident that the lawyer you choose will provide you with exceptional, trustworthy, and effective services. Our experienced, dedicated, and compassionate lawyers and legal staff are committed to always protecting clients' rights and relentlessly fighting for their best interests. Enlist the unyielding advocacy at Bennett & Michael, and you can trust that you and your family will get the results, service, and respect that you deserve. You won't be disappointed.