

Drug Possession



Utah's drug laws can be complicated, and with their recent revisions you will likely find a lot of confusing and conflicting information. While self-education is important, professional legal aid will ultimately save you time, money, and frustration. Schmidt & Gladstone provide expert legal counsel to clients currently charged with drug possession.

What is Drug Possession?

A person may be charged with drug possession after being found to have a controlled substance. **Keep in mind that a simple possession charge is different from possession with intent to distribute.** The latter typically involves a large number of doses and carries with it much stricter charges. In both Utah and the United States in general, controlled substances can be either generally illicit drugs or pharmaceuticals obtained without a valid medical prescription. Utah divides controlled substances into five categories or "Schedules"

- **Schedule I:** This category is for drugs with a high potential for abuse that do not generally have a medical use within the US. Schedule I drugs include heroin, LSD, cocaine, and marijuana.
- **Schedule II:** These drugs have both a high potential for abuse and a common medical use within the US. Examples of Schedule II drugs include hydrocodone and methylphenidate.
- **Schedule III:** Drugs within this category are less likely to be abused and are commonly used for medical purposes within the US. Examples include anabolic steroids and medications containing low doses of codeine.
- **Schedule IV:** This designation is for drugs commonly used for medical purposes that have a lower likelihood of abuse compared to Schedule III substances. Diazepam (Valium) and zolpidem (Ambien) are two examples.
- **Schedule V:** Drugs classified as Schedule V have very low abuse potentials while also being commonly prescribed for medical use. Schedule V mostly covers very low-dose narcotics.

Criminal charges for drug possession vary and are dependent upon the Schedule involved:

- **Schedule I and II:** First and second offenses are generally considered Class A misdemeanors, while third and subsequent convictions are Third Degree Felonies.
- **Marijuana:** Although marijuana is technically a Schedule I substance, **its possession incurs more lenient penalties.** Possession of under one ounce is a Class B misdemeanor, one ounce up to one pound results in Class A misdemeanor, one to 100 pounds typically carries a Third Degree Felony, and 100 pounds or more is subject to a Second Degree Felony.
- **All Other Schedules:** For Schedules III-V, the first and second offenses are considered Class B misdemeanors. A third offense is upgraded to a Class A misdemeanor, while fourth and subsequent offenses are classified as Third Degree Felonies.

You've Been Charged with Drug Possession. Now What?

Although the state of Utah has recently opted for more [lenient drug possession laws](#), these charges still carry serious consequences. Those who have been convicted of drug possession are subject to the following penalties, dependent upon the applicable type of felony or misdemeanor:

- **Class B Misdemeanor:** Up to six months in jail and a fine of up to \$1,000.
- **Class A Misdemeanor:** Up to one year in jail and a fine of up to \$2,500.
- **Third Degree Felony:** Up to five years in prison and a fine of up to \$5,000.
- **Second Degree Felony:** Up to 15 years in prison and a fine of up to \$10,000.

Schmidt & Gladstone Are Here to Help

If you have been charged with drug possession, personal legal counsel is extremely important in securing the best possible outcome. Our team of experts is here for you to do just that. With over 18 years of experience, the Schmidt & Gladstone Law Firm offers quality legal aid to clients charged with possession and other drug-related offenses. If you find yourself in need of help or advice, be sure to call us today for a **free consultation** at 801-895-3113. You can also send us an email via our online form found [here](#).