



MARION COUNTY PROSECUTOR
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TO: MARION COUNTY DEPUTY PROSECUTORS
FROM: RYAN MEARS 
SUBJECT: MARIJUANA PROSECUTION
DATE: 9/30/2019

The Marion County Prosecutor's Office seeks to place public safety as the number one priority and responsibility of government. We are dedicated to holding criminals accountable for their actions, preserving the rights of victims and continually seeking justice, all while maintaining the highest of ethical standards.

Under those established priorities, effective immediately, our office will decline prosecution of possession of marijuana cases under IC 35-48-4-11 in the following circumstances:

1. Where an adult, 18 years of age or older, who is not in possession of a firearm at the time of the offense, is arrested on a stand-alone charge of possession of marijuana of 30 grams or less; or
2. Where an adult, 18 years of age or older, who is not in possession of a firearm at the time of the offense, is arrested on charges of which possession of marijuana of 30 grams or less is the highest level of offense; however, the remaining charges may be prosecuted if supported by evidence.

This policy does not apply to prosecution of the following offenses which present a risk to public safety:

- Trafficking or dealing of marijuana
- Growing or cultivating marijuana
- Driving while under the influence of marijuana
- Public consumption of marijuana

Deputy Prosecutors may present for approval by the Misdemeanor and Level 6 Felony Division Chief any deviation from this policy believed to be necessary on a case by case basis.