



A STATE-BY-STATE GUIDE TO MAXIMUM CURRENT PENALTIES FOR MISDEMEANORS

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MAXIMUM MISDEMEANOR PENALTIES

The following chart includes maximum misdemeanor classification systems. Classes are ordered from most- to least-serious.

State	Statutory Citation	Misdemeanor Offense Classification	Maximum Jail Term	Maximum Fine
Alabama	§§ 13A-5-7; 13A-5-12	Class A	1 year	\$6,000
		Class B	6 months	\$3,000
		Class C	3 months	\$500
Alaska	§§ 12.55.135; 12.55.035	Class A	365 days	\$25,000
		Class B	90 days	\$2,000
Arizona	§§ 13-707; 13-802	Class 1	6 months	\$2,500
		Class 2	4 months	\$750
		Class 3	30 days	\$500
Arkansas	§§ 5-4-401; 5-4-201	Class A	1 year	\$2,500
		Class B	90 days	\$1,000
		Class C	30 days	\$500
		Unclassified	Crime specific	Crime specific
California	Penal Code § 19	General	6 months	\$1,000
Colorado	§ 18-1.3-501	Class 1	18 months	\$5,000
		Class 2	12 months	\$5,000
		Class 3	6 months	\$750
		Drug 1	18 months	\$5,000
		Drug 2	12 months	\$750
Connecticut	§§ 53a-36; 53a-42	Class A	1 year	\$2,000
		Class B	6 months	\$1,000
		Class C	3 months	\$500
		Class D	30 days	\$250
		Unclassified	Crime specific	Crime specific



State	Statutory Citation	Misdemeanor Offense Classification	Maximum Jail Term	Maximum Fine
Delaware	11 De. Code § 4206	Class A	1 year	\$2,300
		Class B	6 months	\$1,150
		Unclassified	30 days	\$575
Florida	§§ 775.08; 775.081	First degree	1 year	Not specified
		Second degree	1 year	Not specified
Georgia	§ 17-10-3	General	12 months	\$1,000
Hawaii	§ 706-663	General	1 year	Not specified
		Petty	30 days	Not specified
Idaho	§ 18-113	General	6 months	\$1,000
Illinois	§§ 730 ILCS 5/5-4.5-55; 730 ILCS 5/5-4.5-60; 730 ILCS 5/5-4.5-65; 730 ILCS 5/5-4.5-75;	Class A	1 year	\$2,500
		Class B	6 months	\$1,500
		Class C	30 days	\$1,500
		Petty	N/A	\$1,000
Indiana	§§ 35-50-3-2; 35-50-3-3; 35-50-3-4	Class A	1 year	\$5,000
		Class B	180 days	\$1,000
		Class C	60 days	\$500
Iowa	§ 903.1	Aggravated	2 years	\$6,250
		Serious	1 year	\$1,875
		Simple	30 days	\$625
Kansas	§ 21-6602; 21-6611	Class A	1 year	\$2,500
		Class B	6 months	\$1,000
		Class C	1 month	\$500
		Unclassified	1 month	\$500
Kentucky	§ 532.090	Class A	12 months	Not specified
		Class B	90 days	Not specified
Louisiana	Crime specific			



State	Statutory Citation	Misdemeanor Offense Classification	Maximum Jail Term	Maximum Fine
Maine*	Tit. 17 §§ 1252; 1301	Class D	1 year	\$2,000
		Class E	6 months	\$1,000
Maryland	Crime specific			
Massachusetts	Crime specific			
Michigan	§ 750.504	General	90 days	\$500
Minnesota	§§ 609.02; 609.03	Gross	1 year	\$3,000
		General	90 days	\$1,000
Mississippi	Crime specific			
Missouri	§ 558.011; 558.002	Class A	1 year	\$2,000
		Class B	6 months	\$1,000
		Class C	15 days	\$750
Montana	§ 45-2-101	General	1 year	Not specified
Nebraska	§ 28-106	Class I	1 year	\$1,000
		Class II	6 months	\$1,000
		Class III	3 months	\$500
		Class IIIA	7 days	\$500
		Class IV	Not specified	\$500
		Class V	Not specified	\$100
		Class W	7 days to 1 year, depending on conviction	\$500-\$1,000, depending on conviction
Nevada	§ 193.140; 193.150	Gross	364 days	\$2,000
		General	6 months	\$1,000
New Hampshire	§§ 625:9; 651:2	Class A	1 year	\$2,000
		Class B	Not specified	\$1,200
New Jersey	§§ 2C:1-4; 2C:43-3	Third degree	5 years	\$15,000
		Fourth degree	18 months	\$10,000



State	Statutory Citation	Misdemeanor Offense Classification	Maximum Jail Term	Maximum Fine
New Mexico	§ 31-19-1	General	1 year	\$1,000
		Petty	6 months	\$500
New York	Penal §§ 70.15; 80.05	Class A	1 year	\$1,000
		Class B	3 months	\$500
		Unclassified	Crime specific	Crime specific
North Carolina	§§ 14-3; 14-3.1	Class 1	6 months	N/A
		Class 2	6 months	N/A
		Class 3	30 days	N/A
North Dakota	§12.1-32-01	Class A	360 days	\$3,000
		Class B	30 days	\$1,500
Ohio	§ 2929.24; 2929.28	First Degree	180 days	\$1,000
		Second Degree	90 days	\$750
		Third Degree	60 days	\$500
		Fourth Degree	30 days	\$250
		Minor	Not specified	\$150
Oklahoma	Tit. 21 § 10	General	1 year	\$500
Oregon	§ 161.615; 161.635	Class A	364 days	\$6,250
		Class B	6 months	\$2,500
		Class C	30 days	\$1,250
		Unclassified	Crime specific	Crime specific
Pennsylvania	Tit. 18 §§ 1101; 1104	First Degree	5 years	\$10,000
		Second Degree	2 years	\$5,000
		Third Degree	1 year	\$2,500
Rhode Island	§ 11-1-2	General	1 year	\$1,000
		Petty	6 months	\$500
South Carolina	§ 16-1-20	Class A	3 years	N/A



State	Statutory Citation	Misdemeanor Offense Classification	Maximum Jail Term	Maximum Fine
		Class B	2 years	N/A
		Class C	1 year	N/A
South Dakota	§ 22-6-2	Class 1	1 year	\$2,000
		Class 2	30 days	\$500
Tennessee	§ 40-35-111	Class A	11 months, 29 days	\$2,500
		Class B	6 months	\$500
		Class C	30 days	\$50
Texas	Penal Code §§ 12.21; 12.22; 12.23	Class A	1 year	\$4,000
		Class B	180 days	\$2,000
		Class C	Not specified	\$500
Utah	§§ 76-3-204; 76-3-205; 76-3-301	Class A	1 year	\$2,500
		Class B	6 months	\$1,000
		Class C	90 days	\$750
Vermont	Tit. 13 § 1	General	2 years	N/A
Virginia	§§ 18.2-11; 18.2-15	Class 1	12 months	\$2,500
		Class 2	6 months	\$1,000
		Class 3	Not specified	\$500
		Class 4	Not specified	\$250
Washington	§§ 9.92.020; 9.92.030	Gross	364 days	\$5,000
		General	90 days	\$1,000
West Virginia	§ 61-11-17	General	Crime specific or as ordered by judge	Crime specific or as ordered by a judge
Wisconsin	§ 939.51	Class A	9 months	\$10,000
		Class B	90 days	\$1,000
		Class C	30 days	\$500
Wyoming	§ 6-10-103	General	6 months	\$750



*Note: Maine does not have separate misdemeanor or felony classifications; designation in this chart is based on sentence length.

Legislative Efforts

Most legislative changes within the realm of misdemeanor sentencing in recent years have dealt with the reclassification of offenses. For instance, states have downgraded offenses from felonies to misdemeanors and have similarly downgraded offenses from misdemeanors to infractions.

Recent trends in drug sentencing have seen states downgrading offenses related to drug possession. States including Alaska, Delaware, Mississippi and Utah have reduced possession of certain drugs from felonies to misdemeanors. Twenty-two states and the District of Columbia have decriminalized possession of small amounts of marijuana altogether.

A handful of states have looked at making such changes through citizen-initiated ballot measures. California's Proposition 47, passed by voters in 2014, reduced simple drug possession and some theft crimes from felony to misdemeanor. A June 2018 report from the Public Policy Institute of California found that the ballot measure caused a decrease in recidivism and may have "reduced both arrests by law enforcement and convictions resulting from prosecutions by district attorneys."

Theft thresholds have also been increased for felony theft, meaning that theft offenses of lower dollar values are re-classified as misdemeanors rather than felonies. Research from The Pew Charitable Trusts' public safety performance project found that felony threshold amounts were not correlated with property crime or larceny rates; raising felony theft thresholds was not shown to result in increases in property crime or theft.

Much of the changes to misdemeanor sentencing have been part of comprehensive, data-driven reforms in states around the country. In Utah, for instance, many of these changes were made through the state's Justice Reinvestment Initiative legislation (HB 348 [2015]), which reclassified certain misdemeanor traffic offenses from class B to class C misdemeanors and from class C misdemeanors to infractions.

This change allowed the state to focus its jail resources on more serious offenders. In the legislation, the state lowered the penalty for most first and second personal drug possession offenses to misdemeanors. The most recent report on the implementation of Utah's legislative changes found that implementation is meeting its intended goal, noting the state "continues to incarcerate a reduced number of non-violent offenders while increasing capacity of substance use treatment for offenders in need."

States such as New Hampshire successfully reclassified misdemeanors in the early and mid-'90s. The state established a class B misdemeanor which doesn't allow imprisonment. The Spangenberg Project explored this and similar efforts in misdemeanor reclassification in 2010, stating that "(t)he modification of minor misdemeanor offenses into infractions or non-jailable offenses has the



potential to save states money that otherwise would be spent on litigation or expensive incarceration.”

“Since 1970 twenty-two states have decriminalized minor traffic violations by removing criminal sanctions, reclassifying the violations as noncriminal offenses, and streamlining their adjudication to the administrative realm,” according to Decriminalization, Police Authority and Routine Traffic Stops.

Looking Forward

A few states have explored decriminalizing some traffic offenses in recent years. A 2017 interim committee in Nevada studied the feasibility of treating certain traffic and related violations as civil infractions. Recommendations in the study committee’s final work session report included proposing legislation to establish civil penalties for minor traffic offenses and creating a separate class of misdemeanor for minor traffic violations with reduced penalties, as compared to six months in jail or a fine up to \$1,000.

Georgia’s Administrative Office of the Courts studied similar changes and made recommendations to policymakers to reclassify some offenses, but the legislature has not yet taken action on those recommendations. The Commission on the Future of California’s Court System published a report to the chief justice in 2017, with a primary recommendation to create a civil model for adjudication of motor vehicle infractions to free up court and law enforcement resources and simplify procedures for defendants.

Other state offense structures have been studied. Resources on offense grading in New Jersey and Pennsylvania explore how classifications for offenses could be improved, for instance by reviewing “crime definitions to ensure that only conduct of the same degree of seriousness is included within the same grade of the offense or suboffense.”

