

MARCH 1, 2024

Informational Briefing on Record Clearance in Hawai'i

LAST
PRISONER
PROJECT



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Last Prisoner Project was founded in 2019 out of the belief that no one should remain incarcerated for or suffer the collateral consequences of cannabis-related offenses. Our dedicated team works tirelessly to achieve our goal of freeing the tens of thousands of individuals still unjustly imprisoned for cannabis-related offenses and simultaneously pushes to systemically reform our criminal legal system through streamlined processes.

Importance of Record Clearance

- Individuals can have a criminal record for a non-conviction.
- Charges can remain on an individual's criminal record, even if the charge has since been decriminalized or even legalized.
- A criminal record imposes barriers to employment, housing, political participation, public assistance, education, and more.
- Shielding these charges from one's record paves the way for successful reentry.



Model Policy Components for Record Clearance

Process

- Initiated by the state.
- Retroactively applied.
- Begins immediately upon state identification of records.
- Eligible records shielded from public access.

Eligibility

- Criteria for eligibility is broad.
- No unnecessary hurdles to record clearance such as statutory limits on numbers of eligible records or required fees.

Oversight & Notification

- There must be reporting requirements to ensure the record clearance process is implemented with fidelity.
- Individuals who receive record clearance are aware that their cannabis record has been cleared.

Hawaii's Landscape

Cannabis Record Clearance

- 50,000 records for cannabis possession.
- Cannabis possession records are eligible for expungement as it was decriminalized in 2019 (HRS § 706-622.5(5)).
- No public safety threat for clearing these cannabis possession records.
- Expunging these records will increase community reintegration and stability.

Cannabis Record Clearance

HB 1595

- Directs the Attorney General's Office to initiate an expungement process.
- Does not get ahead of the state on the question of legalizing adult-use cannabis.
- Closes the uptake gap for people already eligible for expungement under existing law but have been unable to obtain relief.

THANK YOU!

Questions?

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EXPUNGEMENT OF CANNABIS POSSESSION RECORDS

**HB 1595 BY REP. DAVID TARNAS
SB 2689 BY SEN. KARL RHOADS**

Background: Hawai'i decriminalized cannabis possession in 2019 but has not expunged thousands of cannabis records

In 2019, Hawai'i decided no one should be arrested for simple possession of cannabis. Before this change in law, even a small amount of cannabis could have landed someone in jail. For those lucky enough to avoid jail time, their arrest still generated a criminal record along with numerous collateral consequences.

Problem: Thousands of people in Hawai'i have not had their cannabis possession records expunged

There are thousands of Hawai'i residents that carry a criminal record for cannabis possession even though they are eligible to have it expunged since the state decriminalized possession in 2019. Hawaii's expungement process is petition-based, which is against best practice. Research shows that less than 6.5% of people who are already eligible for an expungement ever have their records expunged because of the cumbersome nature of a petition-based record clearance process. Hawaii's current expungement process has allowed for at least 50,000 records to continue to carry a charge for simple cannabis possession.

Solution: Create a state-initiated expungement process for cannabis possession records

HB 1595/SB 2689:

- Directs the Attorney General's Office to initiate an expungement process for individuals with a criminal record for cannabis possession,
- Promotes public safety by expanding access to employment, housing, and educational resources that allow for community reintegration and stability,
- Reduces recidivism as research demonstrates that five years after benefitting from record clearance, individuals are actually less likely than members of the general public to engage in criminal conduct, and
- Does not get ahead of the state on the question of legalizing adult-use cannabis and instead closes the uptake gap between people who have a criminal record for cannabis possession and are already eligible for expungement under existing law but have been unable to obtain relief.

Support HB 1595/SB 2689

Thousands of individuals in Hawai'i carry a criminal record for cannabis possession. HB 1595/SB 2689 ensures that individuals who continue to suffer the consequences of a penalty the state changed its mind about enforcing in 2019 are applied evenly so no one is left behind. We urge the Hawai'i State Legislature to support HB 1595/SB 2689 to provide retroactive relief for individuals criminalized by cannabis possession and begin to dismantle the injustices that the criminal legal system has perpetuated during prohibition.

**OCTOBER
2023**

STATE OF CANNABIS JUSTICE REPORT

LAST PRISONER PROJECT

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About Us

LAST
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The Last Prisoner Project (LPP) is a national nonpartisan, nonprofit organization dedicated to releasing every last cannabis prisoner and helping them rebuild their lives. LPP works at the intersection of drug policy and criminal justice reform to redress the harms of the federal government’s so-called “War on Drugs.” Through legal intervention, constituent support, direct advocacy, and policy change, LPP seeks to secure “full freedom” for the millions of people still suffering as a result of America’s unjust and inequitable approach to drug policy and enforcement.

EXECUTIVE SUMMARY

A deeper look into the status of cannabis justice policy throughout the nation reveals that cannabis justice policy is rapidly progressing and has situated itself at the center of policy priorities.

As of 2023, 23 states have enacted adult-use cannabis legalization, 24 states have enacted cannabis-specific record clearance laws, and 10 states have enacted cannabis-specific resentencing laws. Importantly, these criminal justice policies have become commonplace in recent legislation. In fact, since 2018, 100% of the 13 states that have legalized cannabis have included record clearance policies and since 2021, they have all been state-initiated. While resentencing policies have been slower to take hold, they are also growing in importance and have been included in more than half of the legalization bills since 2020. The increasing inclusion of these policies speaks to the importance of providing relief for individuals harmed by the historically unjust War on Drugs.

Unfortunately, the report also shows that, despite the country's progress in the breadth and depth of cannabis justice policy, we are still far behind. While more and more states are working to include retroactive relief for cannabis related offenses, the policy lags behind in every single state.

While states such as California, Minnesota, Maryland, and New Mexico have strong statutory language, they have all fallen behind in actually offering relief to impacted individuals. In California, the deadline to effectuate record clearance has passed, yet, over 20,000 individuals are still without relief. In Minnesota, the structure of a separate review board has caused significant delays, leaving the state yet to appoint the board despite the instructed start date already passing. In Maryland, it is unknown if the state has begun to enact the criminal justice provisions. In New Mexico, the state has faced rollback efforts to limit the impact of retroactive provisions throughout the past two years.

These implementation struggles make it clear that statutory language is only a start to effective change, and this report only touches the surface in evaluating the accessibility of relief. The progress of cannabis justice policy is promising, but an evaluation of their status shows that there is still much to be done.

A BRIEF HISTORY OF CANNABIS PROHIBITION

Throughout the 1960s, America experienced a decade of counterculture defined by sexual liberation, experimental drug use, and new forms of entertainment, a trio more famously known as sex, drugs, and rock and roll. At the same time, Civil Rights protests swept the nation, empowering Americans to reject tradition in new ways. These liberal ideals quickly met conservative pushback as individuals perceived traditions of America to be under assault.

Soon, marijuana mistakenly assumed the position as the token of unconventionality, and its use came to represent minority populations. This association allowed racist ideologies to hide behind anti-marijuana ideologies, leading to decades of harsh penalties for the sale, possession, and use of marijuana. This cultural divide set the stage for Richard Nixon's 1971 declaration of the War on Drugs.

"You want to know what this [war on drugs] was really all about? The Nixon campaign in 1968... had two enemies: the antiwar left and black people.

We knew we couldn't make it illegal to be either against the war or blacks, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news.

Did we know we were lying about the drugs? Of course we did."

- John Ehrlichman, Policy Advisor for President Nixon

In the 50 years that followed, millions of Americans were arrested and incarcerated for marijuana-related violations, mainly along racial bounds. In 2018 alone, there were more than 600,000 cannabis-related arrests, the vast majority of them for simple possession. Since then, the enforcement of cannabis laws has continued to be egregiously unequal across demographics. On average, Black individuals are 3.64 times more likely than their white counterparts to be arrested for cannabis despite similar consumption rates.

A BRIEF HISTORY OF CANNABIS PROHIBITION

1937

Marihuana Tax Act of 1937

The Marihuana Tax Act of 1937 was signed into law, functioning as a defacto ban on cannabis in the United States. While a handful of states had already adopted cannabis prohibition policies at the time, this legislation marks the beginning of federal cannabis prohibition.

1951

Boggs Act

Congress passed the Boggs Act, strengthening the enforcement of the Marihuana Tax Act of 1937 by introducing the first mandatory minimum sentences for drug-related crimes.

1969

Repeal of the Marihuana Tax Act

In *Leary v. United States*, the Marihuana Tax Act was struck down, with the Supreme Court ruling that the Act infringed on the protection against self-incrimination.

1970

The Controlled Substances Act

In an effort to address America's "drug problem" and to consolidate existing laws into a singular federal drug statute, President Nixon signed the Comprehensive Drug Abuse Prevention and Control Act of 1970 (CDAPC Act). Title II of the CDAPC Act is known as the Controlled Substances Act (CSA), which categorized substances into five different "schedules" based on their propensity for abuse and medical value. Cannabis was classified as a Schedule I substance, meaning it has a high potential for abuse and no accepted medical use. The Comprehensive Drug Abuse Prevention and Control Act of 1970 eliminated mandatory minimum sentences for drug-related crimes, with the exception of large-scale operations.

1971

Public Enemy #1

President Nixon declared drug abuse "public enemy number one." Years later, Nixon's White House Counsel and Domestic Affairs Advisor John Ehrlichman admitted, "The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did."

1973

Drug Enforcement Administration

President Nixon established the Drug Enforcement Administration within the Department of Justice, streamlining federal drug enforcement efforts.

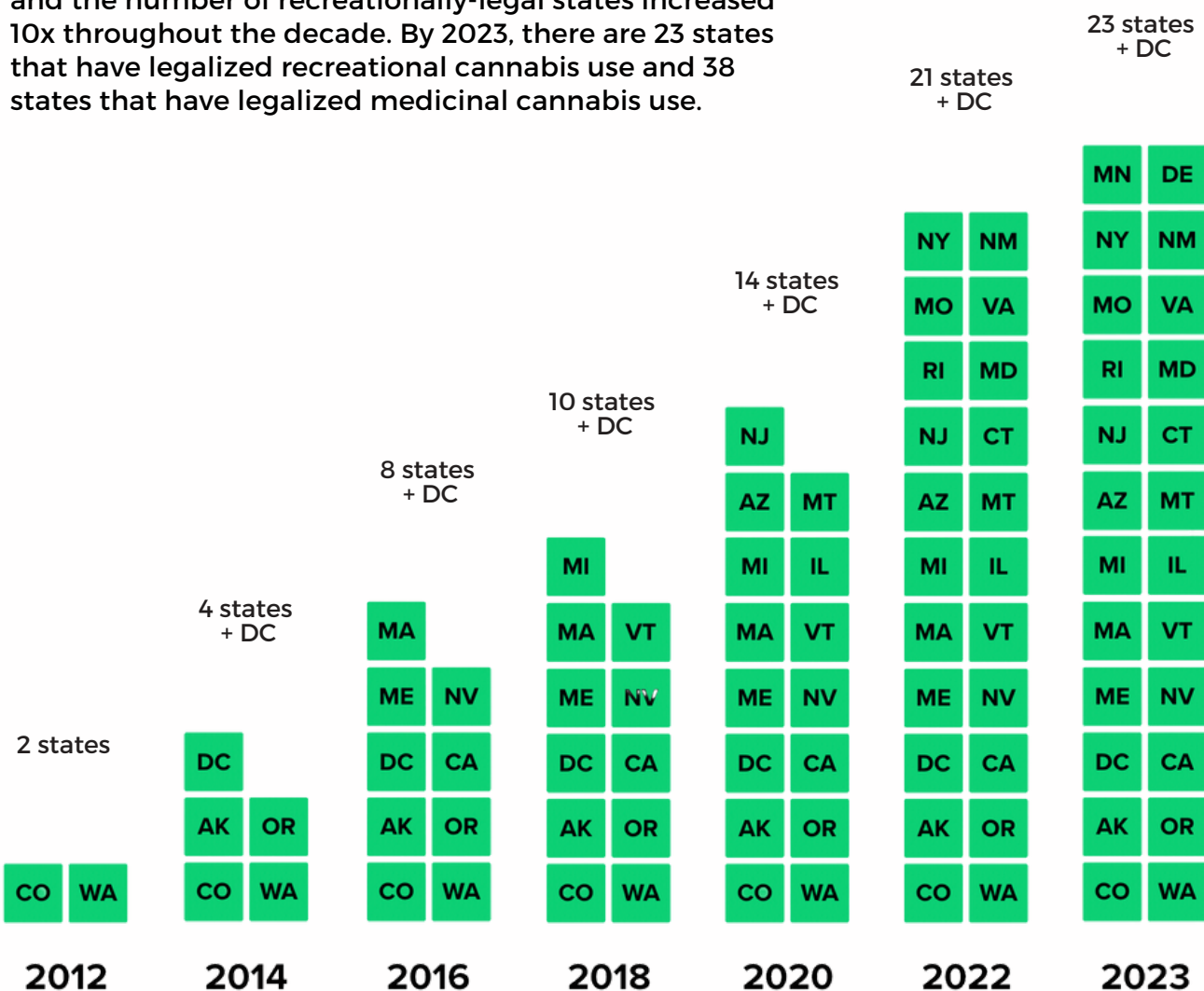
1986

The Anti-Drug Abuse Act

President Reagan signed the Anti-Drug Abuse Act, allocating \$1.7 billion to fight the federal government's so-called "War on Drugs." The Act reintroduced mandatory minimum sentences for drug-related crimes, including cannabis. The passage of this Act marked a new era of zero-tolerance, draconian penalties for drug crimes in America.

A BRIEF HISTORY OF CANNABIS LEGALIZATION

Following the era of strict cannabis prohibition from 1930-1990, the public perception of cannabis softened. Policy reform began to take hold as early as 1996, when California was the first state to legalize medical cannabis use. By 2012, recreational legalization began and the number of recreationally-legal states increased 10x throughout the decade. By 2023, there are 23 states that have legalized recreational cannabis use and 38 states that have legalized medicinal cannabis use.



Timeline of Recreational Cannabis Legalization Since 2012

CANNABIS JUSTICE POLICY REPORT CARD SERIES

Throughout the nation, there has been a seismic shift in the way American attitudes and laws treat the issue of marijuana consumption and production. The magnitude of this changing perception is clear in the landscape of national legalization, as adult-use cannabis is legal in 23+ states and territories.

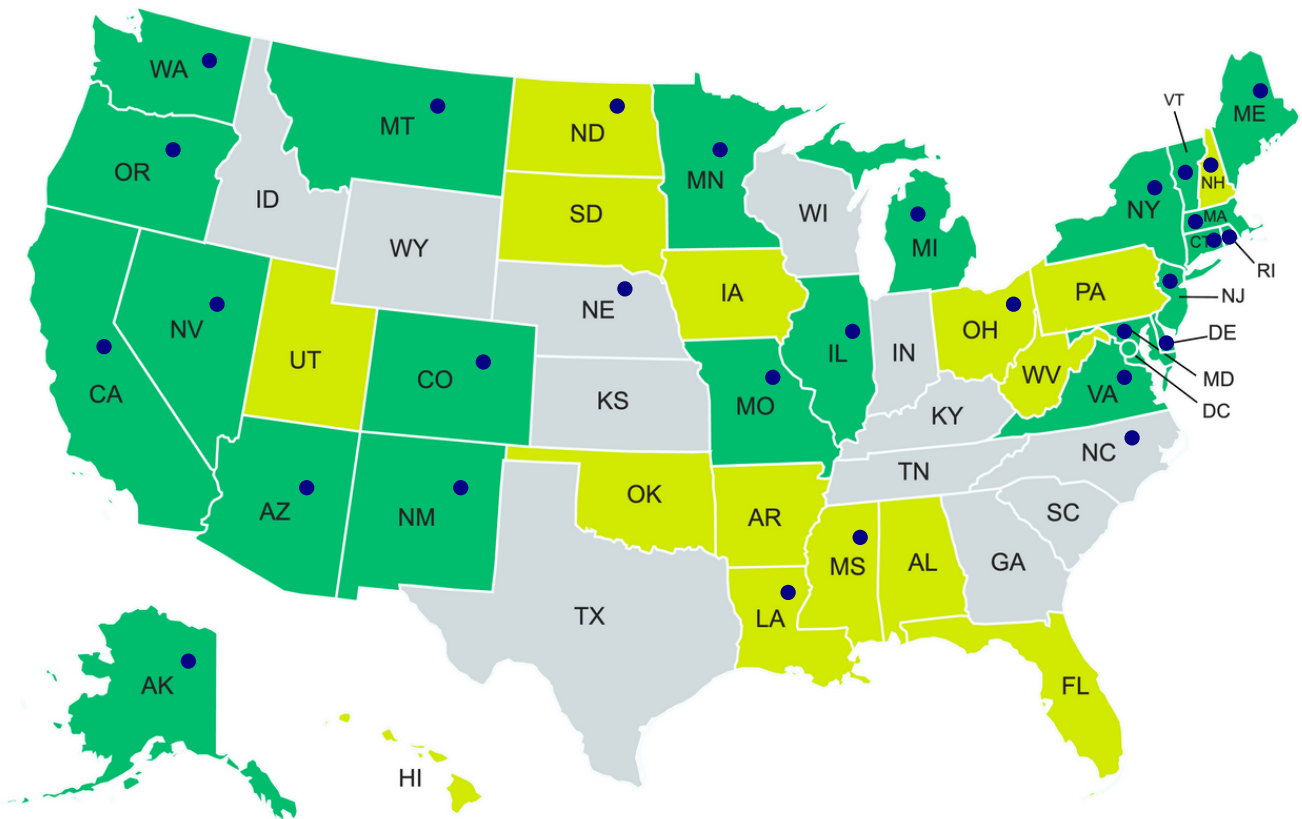
Despite this, millions of individuals still bear the life-long burden of having a cannabis record, and tens of thousands are actively serving carceral sentences for cannabis-related convictions. This leaves a fundamental injustice as states allow a cannabis market to flourish on one side of prison walls and a cannabis prisoner to languish on the other. In order to address these harms of cannabis criminalization, legalization programs must provide retroactive relief for individuals through state-initiated record clearance and resentencing.

State-initiated record clearance is a government-initiated process in which state agencies identify and clear eligible records, with no action required by a record holder. This is key to redressing the unjust criminalization of cannabis and the associated collateral consequences which pose barriers to housing, employment, political participation, public assistance, education, and more.

Resentencing, the process of revising an individual's criminal sentence, is another cornerstone of comprehensive cannabis policy. By instructing the state to reconsider cannabis-related sentences in light of shifting sentiments and laws, this policy provides a pathway to relief for individuals whose continued incarceration is no longer in the interests of justice.

This report analyzes cannabis justice throughout the nation by investigating the status of these two policies, record clearance and resentencing. It evaluates the quality and efficacy of cannabis justice policies by examining the statutes for state initiation, eligibility, waiting periods, fines and fees, timelines, oversight, notification, and presumptions of relief. Additionally, the report offers states credit for executive action providing relief through clemency or pardon programs. By evaluating these policies, the report works to show which states offer cannabis policies that work towards offering justice and relief to individuals suffering from the harms of cannabis criminalization.

NATIONAL LANDSCAPE OF 2023 CANNABIS POLICY



23

**Adult-Use
States**

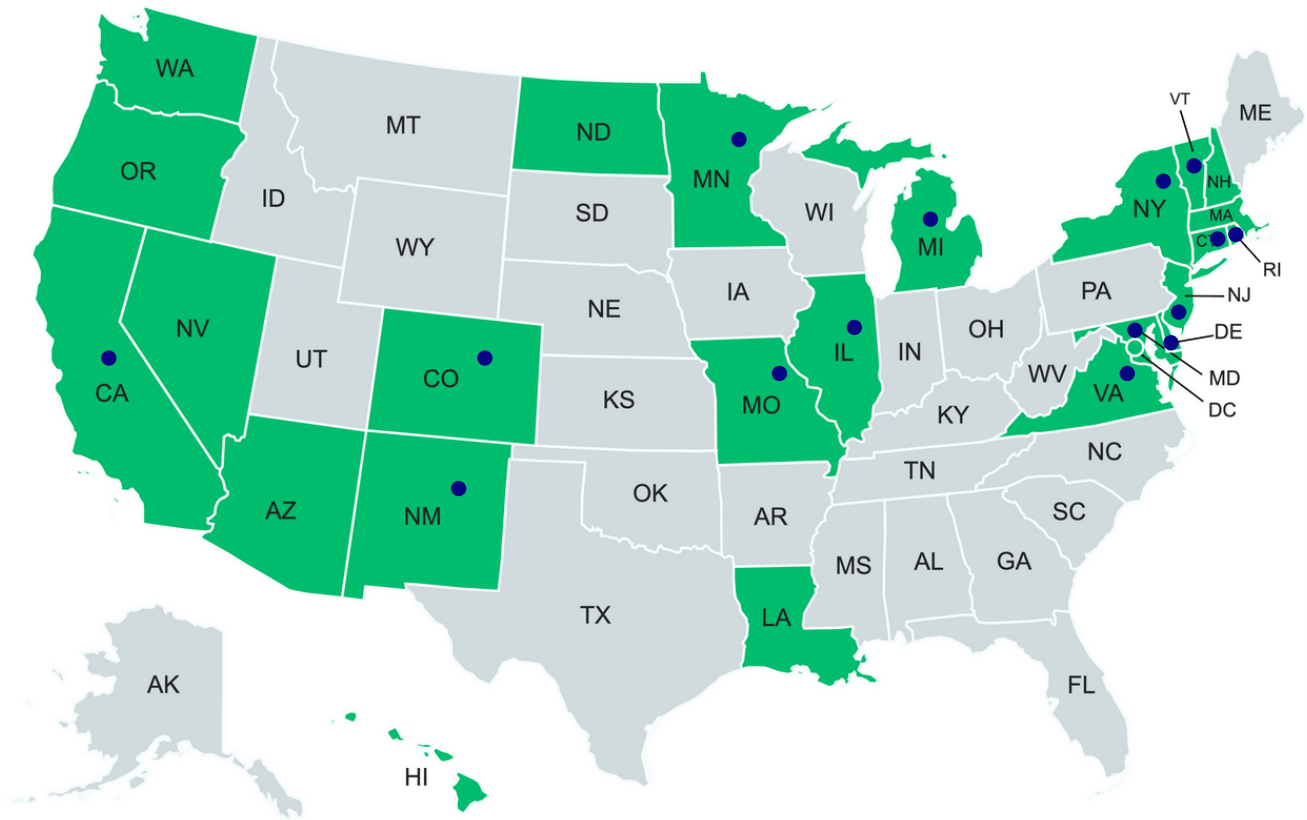
38

**Medical
States**

31

**Decriminalized
States**

NATIONAL LANDSCAPE OF 2023 CANNABIS RECORD CLEARANCE



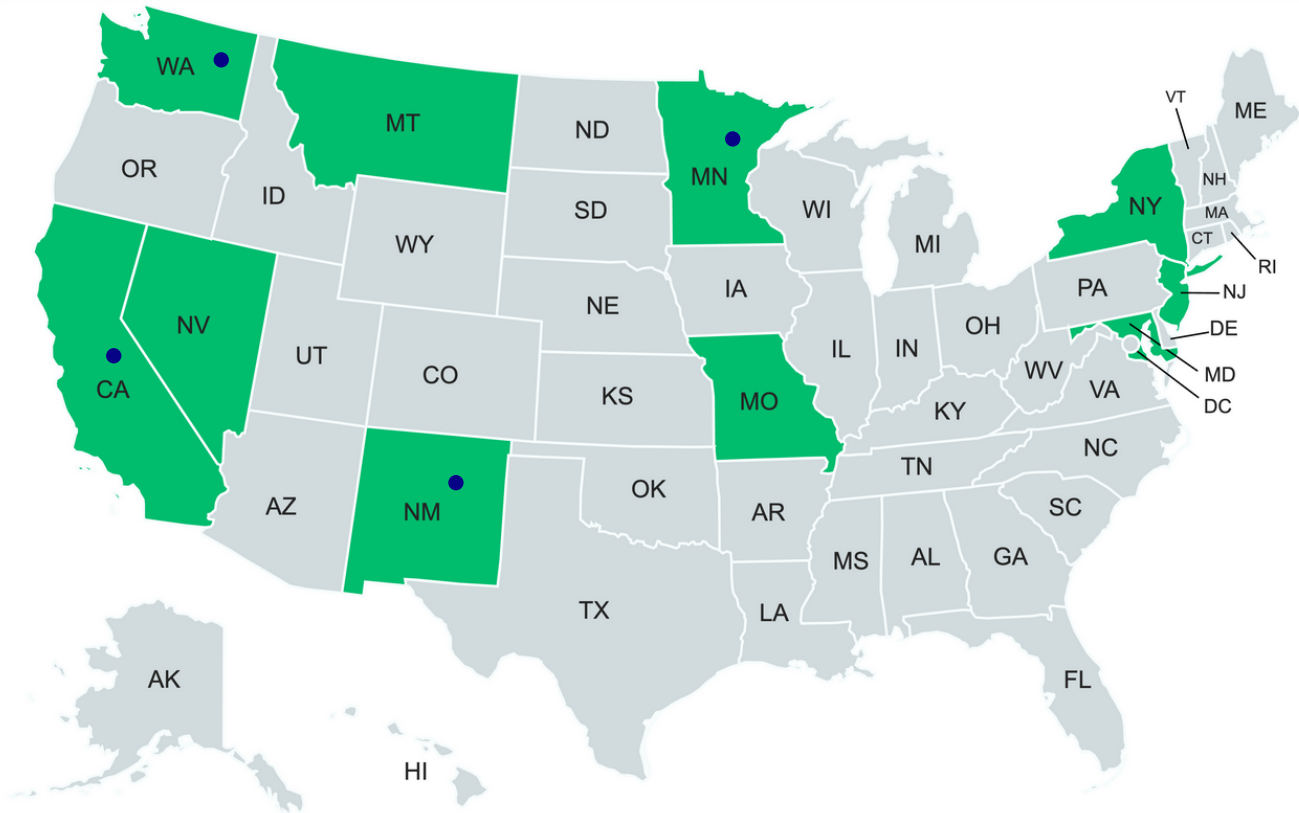
24

**States with
Cannabis Record
Clearance Laws**

15

**States with State-
Initiated Cannabis
Record Clearance Laws**

NATIONAL LANDSCAPE OF CANNABIS RESENTENCING 2023



10

States with
Cannabis
Resentencing Laws

4

States with State-
Initiated Cannabis
Resentencing Laws

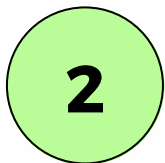
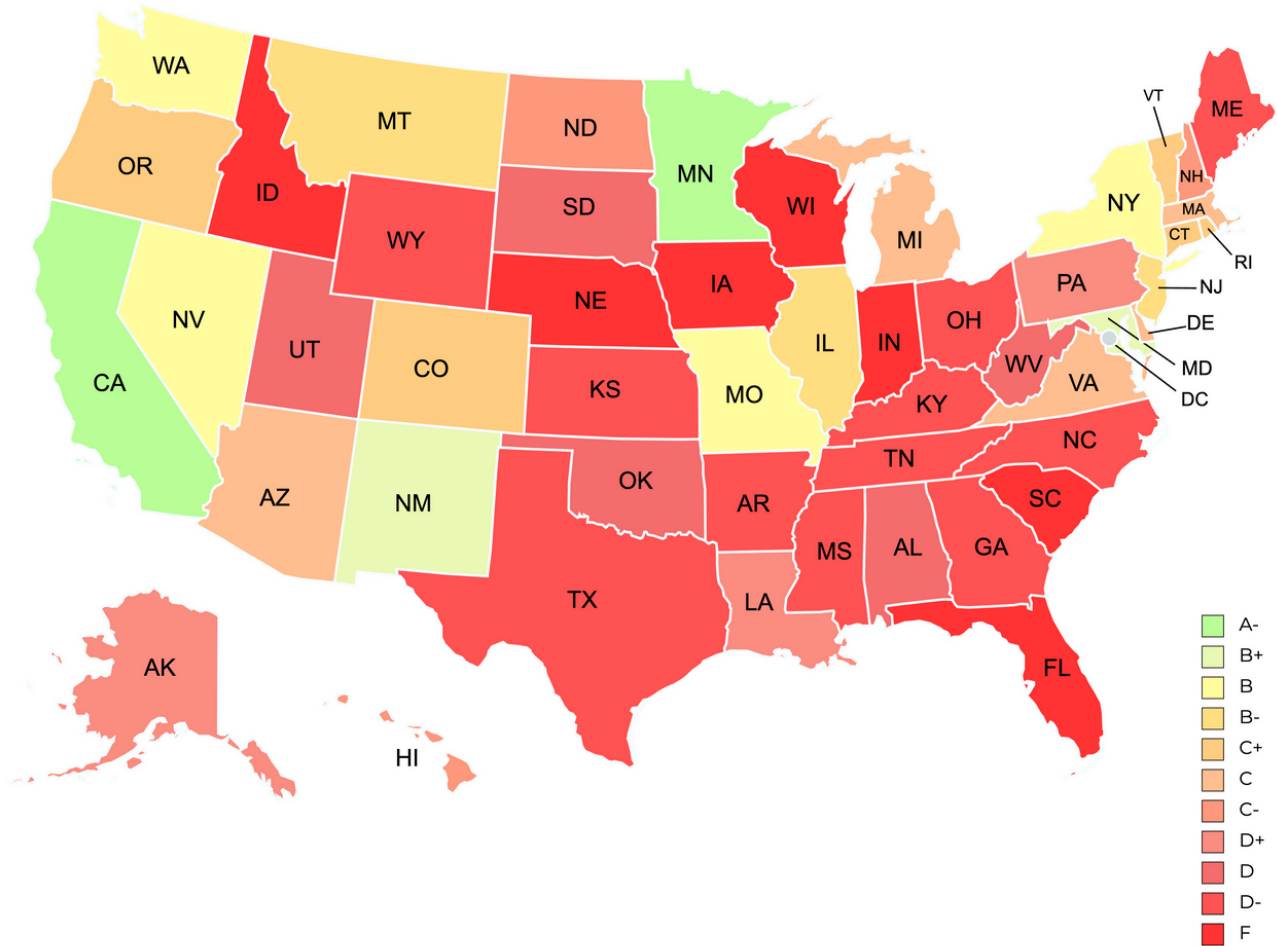
CANNABIS JUSTICE POLICY SCORE SHEET

	Legalization Policy (+4)	Pardon Policy (+1)	Record Clearance Policy (+10)	Resentencing Policy (+10)	Total (of 25)	Grade
CALIFORNIA	4	0	9.5	9.5	23	A
MINNESOTA	4	.5	9.5	9	23	A
NEW MEXICO	4	0	7.5	7	19.5	B+
MARYLAND	4	0	8.25	7	19.25	B+
NEW YORK	4	0	8	4.5	18.5	B+
MISSOURI	4	0	9.25	5	18.25	B
NEVADA	4	1	8	5	18	B
WASHINGTON	4	1	6	6	17	B
MONTANA	4	0	7	5	16.5	B
NEW JERSEY	4	0	7	4	15	B-
ILLINOIS	4	1	6.5	3	14.5	B-
VERMONT	4	0	9.25	0	13.75	C+
CONNECTICUT	4	1	8.5	0	13.5	C+
OREGON	2	1	6	4	13	C+
RHODE ISLAND	4	0	9	0	13	C+
COLORADO	4	1	7.5	0	12.5	C+

	Legalization Policy (+4)	Pardon Policy (+1)	Record Clearance Policy (+10)	Resentencing Policy (+10)	Total Score (25)	Grade
MICHIGAN	4	0	8	0	12	C
VIRGINIA	4	0	7.5	0	11.5	C
MASSACHUSETTS	4	0	7	0	11	C
ARIZONA	4	0	6.8	0	10.8	C
DELAWARE	3	0	7.5	0	10.5	C
HAWAII	2	0.5	6	0	8.5	C-
NEW HAMPSHIRE	2	0	6.5	0	8.5	C-
NORTH DAKOTA	2	0.5	6	0	8.5	C-
ALASKA	4	0	4	0	8	D+
PENNSYLVANIA	1	0.5	6.5	0	8	D+
MAINE	4	0	0	0	7.5	D+
LOUISIANA	2	0.5	3.5	2	6	D
WYOMING	0	0	3	0	6	D
OKLAHOMA	2	0	3.5	0	5.5	D
UTAH	1	0	4.25	0	5.25	D
SOUTH DAKOTA	1	0	4	0	5	D
WEST VIRGINIA	1	1	3	0	5	D

	Legalization Policy (+4)	Pardon Policy (+1)	Record Clearance Policy (+10)	Resentencing Policy (+10)	Total Score (25)	Grade
ALABAMA	1	0.5	3	0	4.5	D
ARKANSAS	1	0	3	0	4	D-
MISSISSIPPI	2	0	2	0	4	D-
OHIO	2	0	2	0	4	D-
TEXAS	0	0	4	0	4	D-
KENTUCKY	0	0	2.5	0	3.5	D-
NORTH CAROLINA	1	0	2	0	3	D-
TENNESSEE	0	0	3	0	3	D-
GEORGIA	0	0	2.5	0	2.5	D-
KANSAS	0	0	2.5	0	2.5	D-
SOUTH CAROLINA	0	0	2	0	2	F
FLORIDA	1	0	0	0	1	F
INDIANA	0	1	0	0	1	F
NEBRASKA	1	0	0	0	1	F
IOWA	1	0	0	0	1	F
IDAHO	0	0	0	0	0	F
WISCONSIN	0	0	0	0	0	F

2023 STATE-BY-STATE GRADES



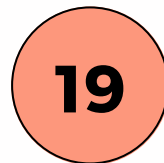
A
Range
25-20



B
Range
20-15



C
Range
15-10

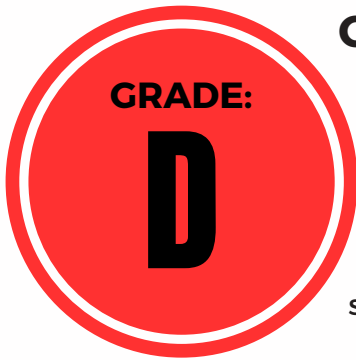


D
Range
10-5



F
Range
5-0

CANNABIS JUSTICE POLICY REPORT CARD



ALABAMA

Unfortunately, Alabama is lagging behind in the realm of cannabis justice, yet to legalize adult use or to enact cannabis-specific record clearance or resentencing protocols.

SUMMARY	
Legalization	1 / 4
Pardon Program	.5 / 1
Record Clearance	3 / 10
Resentencing	0 / 10
TOTAL	4.5 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	.5/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	.5/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [REDEEMER ACT*]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Only non-violent offenses, but allows for both felony and misdemeanor charges	.5/1
<input type="checkbox"/> No Waiting Period Only eligible for individuals who have finished probation requirements as well as drug court programming	0/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	3/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While the REDEEMER Act offers an avenue for resentencing that includes relief for non-violent cannabis offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently. Similarly, although Mayor Randall Woodfin established a program for cannabis-specific mayoral pardons, this program has not been used widely.

CANNABIS JUSTICE POLICY REPORT CARD



ALASKA

While Alaska has been on the front end of cannabis legalization, the state has failed to enact criminal justice policies to remedy the the harms of prohibition. In fact, it is one of only two legalized states without record clearance or resentencing. With this said, we applaud Alaska for working to shield certain cannabis records from public view.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	4 / 10
Resentencing	0 / 10
TOTAL	8 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2015)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

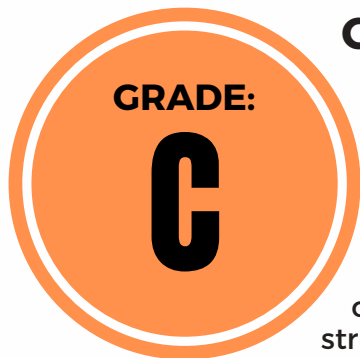
RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses *	1/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input type="checkbox"/> Broad Eligibility Scheme Only includes cases with <1 ounce and excludes individuals with other charges	0/1
<input checked="" type="checkbox"/> No Waiting Period Record shielding began May 1, 2023	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	4/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*Unfortunately, of the 23 states that have legalized cannabis as of 2023, Alaska is one of only two that still lack an expungement process for cannabis offenses. The state is in a difficult position as Alaska law has no expungement provision for valid convictions and the court established “a clear preference for public records to remain accessible,” meaning the state cannot enforce a categorical expungement policy. With this said, Alaska deserves some credit for a recent Supreme Court ruling that ordered certain cannabis charges be removed from the public index on the court's website. While this doesn't expunge the records, it works to mitigate the collateral consequences of a cannabis offense by shielding nearly 800 records from public view.

CANNABIS JUSTICE POLICY REPORT CARD



ARIZONA

While Arizona has achieved full legalization, its criminal justice statutes lag behind, with no avenues for resentencing and narrow opportunities for record clearance. Additionally, the state has struggled with implementation, leaving many people without relief.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	6.8 / 10
Resentencing	0 / 10
TOTAL	10.8 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2020)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[PROPOSITION 207]	
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Only eligible for cases involving <2.5 oz of cannabis or non-conviction records	.5/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline Petitions are granted by default if prosecutors do not respond within 45 days	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification Includes notification to the defendant and state agencies, but no oversight	.3/.5
TOTAL	6.8/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

IMPLEMENTATION NOTES

Arizona's record clearance law allowed for county discretion in determining the eligibility criteria for the petition-based process established by Prop 207. This has led to an uneven application of the law. In Pima County, for example, the courts issued guidance that if the weight is not indicated on a record, the expungement cannot be granted.

CANNABIS JUSTICE POLICY REPORT CARD



ARKANSAS

Unfortunately, Arkansas is lagging behind in the realm of cannabis justice, yet to legalize adult use or to enact cannabis-specific record clearance or resentencing protocols.

SUMMARY

Legalization	1 / 4
Pardon Program	0 / 1
Record Clearance	3 / 10
Resentencing	0 / 10
TOTAL	4 / 25

LEGALIZATION

POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS

POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE

POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2

STATUTORY ASSESSMENT [CRIMINAL HISTORY SEALING ACT OF 2013*]

<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Only non-violent offenses, but allows for both felony and misdemeanor charges	.5/1
<input type="checkbox"/> No Waiting Period Only eligible for individuals who have finished probation requirements	0/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5

TOTAL 3/10

RESENTENCING

POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2

STATUTORY ASSESSMENT

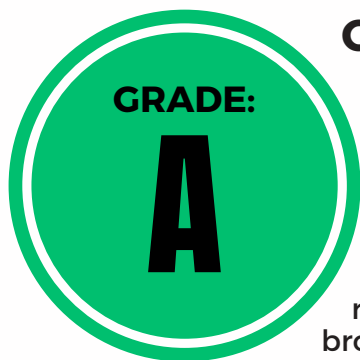
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5

TOTAL 0/10

NOTES

*While the Criminal History Sealing Act of 2013 offers an avenue for record clearance that includes relief for non-violent cannabis offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



CALIFORNIA

California's policies are amongst the best we've seen, providing state-initiated mechanisms for both record clearance and resentencing. With that said, the processes would benefit from broader eligibility and unfortunately, the state has failed to meet its implementation deadline of July 1, 2023.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	9.5 / 10
Resentencing	9.5 / 10
TOTAL	23 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2016)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

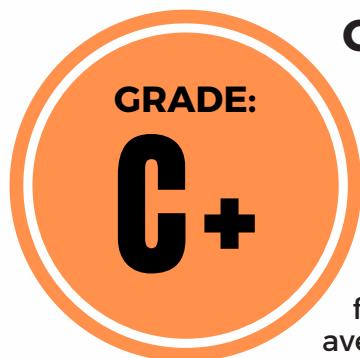
RECORD CLEARANCE (RC)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [AB 1706]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input type="checkbox"/> Broad Eligibility Scheme Eligible offenses should be broader, including concurrent and felony convictions	.5/1
<input checked="" type="checkbox"/> No Waiting Period Relief is effectuated immediately	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees Associated costs are paid by the state	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline The state has a deadline of July 1, 2023	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification The DOJ is responsible for producing progress reports and notifying the public	.5/.5
TOTAL	9.5/10

RESENTENCING (RES)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	3/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [AB 1706]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input type="checkbox"/> Broad Eligibility Scheme Eligibility should include concurrent charges	.5/1
<input checked="" type="checkbox"/> No Waiting Period Eligible individuals can apply at any time	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief Relief is presumed unless a case is challenged	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline Eligible cases are to be reviewed and resentenced by July 1, 2023, if applicable	.5/.5
<input checked="" type="checkbox"/> Oversight and Reporting The DOJ is required to oversee the process and provide data reporting to the Leg	.5/.5
TOTAL	9.5/10

IMPLEMENTATION NOTES

Unfortunately, many counties in the state are lagging behind in the implementation of record clearance and resentencing processes, leaving nearly 21,000 individuals without relief despite the instructed deadline of July 1, 2023. The implementation delays in California display the difficulties in carrying out these policies despite the strong language and support surrounding AB 1706, a bill proudly authored by Last Prisoner Project.

CANNABIS JUSTICE POLICY REPORT CARD



COLORADO

Despite the fact that Colorado was one of the first states in the nation to recreationally legalize in 2012, it still offers mediocre relief for those impacted by past prohibition with no resentencing avenues and restrictive avenues for record clearance. Though, the state's pardon program offers broader relief than those in most states.

SUMMARY

Legalization	4 / 4
Pardon Program	1 / 1
Record Clearance	7.5 / 10
Resentencing	0 / 10
TOTAL	12.5 / 25

LEGALIZATION

POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2012)	2/2
TOTAL	4/4

PARDONS

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program*	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use	.5/.5
TOTAL	1/1

RECORD CLEARANCE

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2

STATUTORY ASSESSMENT	SCORE
[CLEAN SLATE & HB 1266]	
<input checked="" type="checkbox"/> State-Initiated Process Initiated by the state and prosecutors cannot object eligible cases for clean slate process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes felony charges, but through petition rather than the state-initiated process	.5/1
<input checked="" type="checkbox"/> No Waiting Period Individuals can apply after 7-10 years	0/.5
<input checked="" type="checkbox"/> No Fines and Fees Includes a \$65 fee	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5

TOTAL 7.5/10

RESENTENCING

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2

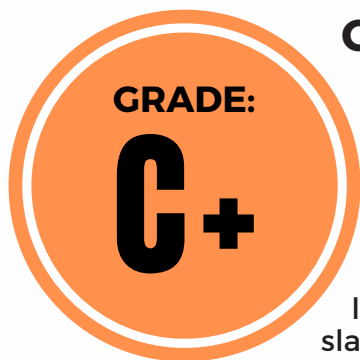
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5

TOTAL 0/10

NOTES

*While Colorado doesn't have a cannabis resentencing process, it has a robust pardon process that operates in a similar way. Executive Order (C 2021 019) was signed in 2021, which grants "full and unconditional pardons for ... possession of 2 ounces or less of marijuana." Importantly, this process goes beyond most other states as the onus is on the Colorado Bureau of Investigation to locate and pardon eligible convictions, already pardoning at least 4,083 individuals. Additionally, after the passage of HB 1214 in 2021, these individuals are also eligible for record clearance.

CANNABIS JUSTICE POLICY REPORT CARD



CONNECTICUT

Although Connecticut lacks resentencing opportunities, the state has worked to implement other modes for relief with full legalization, a robust pardon program, and operational clean slate laws.

SUMMARY	
Legalization	4 / 4
Pardon Program	1 / 1
Record Clearance	8.5 / 10
Resentencing	0 / 10
TOTAL	13.5 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2021)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program*	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use	.5/.5
TOTAL	1/1

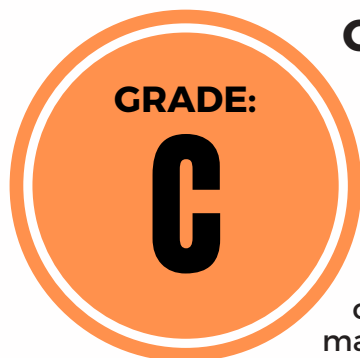
RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[CLEAN SLATE]	
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	.5/1
Includes felony charges, but through petition rather than the state-initiated process	
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
Relief is effectuated immediately	
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
Associated costs are paid by the state	
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	8.5/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

IMPLEMENTATION NOTES

Record clearance implementation efforts are underway and progressing well. According to publicly available data compiled by NORML, state and local officials have issued over 100,000 pardons and more than 1.7 million marijuana-related expungements since 2018. Additionally, in 2023, after intervention from Last Prisoner Project, Connecticut’s Chief State Attorney reviewed 4,248 pending cannabis cases and dropped charges on 1,562 defendants.

CANNABIS JUSTICE POLICY REPORT CARD



DELAWARE

While Delaware has a decently broad statute for record clearance, the state has struggled to enact its legalization bill or record clearance policy amidst conflict over market regulation, making it difficult to analyze the states criminal justice status.

SUMMARY	
Legalization	3 / 4
Pardon Program	0 / 1
Record Clearance	7.5 / 10
Resentencing	0 / 10
TOTAL	10.5 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2022)*	1/2
TOTAL	3/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

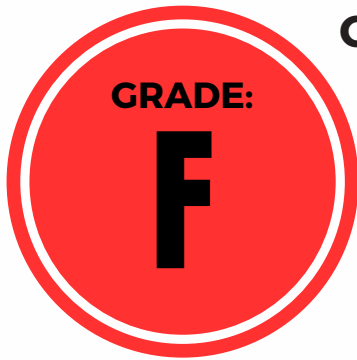
RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[SB 37 & CLEAN SLATE]	
<input checked="" type="checkbox"/> State-Initiated Process* Will be state-initiated starting August, 2024	1/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme All non-misdemeanor cases must be filed through a petition and individuals are only eligible if it is their sole offense	.5/1
<input checked="" type="checkbox"/> No Waiting Period Relief is effectuated immediately	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees Associated costs are paid by the state	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	7.5/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

IMPLEMENTATION NOTES

While Delaware legalized cannabis and a cannabis-specific record clearance process in 2022, neither of these policies have been implemented yet, making it difficult to evaluate their impact. State officials claim implementation will begin in August 2024, but efforts to format the legal sales market are delayed and looking towards a market launch closer to early 2025.

CANNABIS JUSTICE POLICY REPORT CARD



FLORIDA

With no full legalization, no pardon policy, and no avenues for either record clearance or resentencing, Florida falls behind by offering no relief for individuals impacted by the countries past cannabis prohibition.

SUMMARY	
Legalization	1 / 4
Pardon Program	0 / 1
Record Clearance	0 / 10
Resentencing	0 / 10
TOTAL	1 / 25

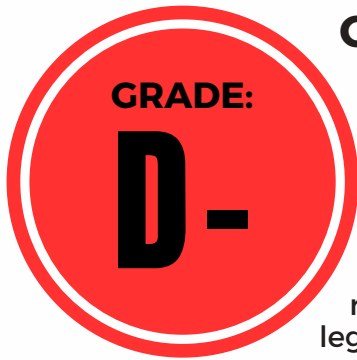
LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	0/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

CANNABIS JUSTICE POLICY REPORT CARD



GEORGIA

While Georgia offers an avenue for record clearance that includes certain cannabis offenses, this fails to offer expedited relief for impacted individuals. Furthermore, the state is yet to legalize cannabis, offer pardons, or enact resentencing laws.

SUMMARY	
Legalization	0 / 4
Pardon Program	0 / 1
Record Clearance	2.5 / 10
Resentencing	0 / 10
TOTAL	2.5 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input type="checkbox"/> Medical Use	0/1
<input type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

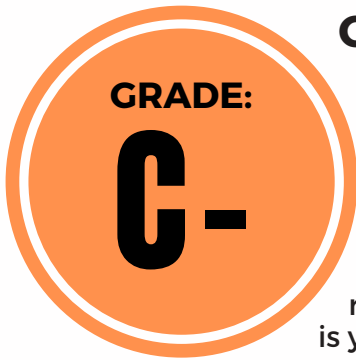
RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SB 288]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme Only eligible to first-offender drug possession misdemeanor cases or pardoned felonies	0/1
<input type="checkbox"/> No Waiting Period Must wait 6 months - 1 year to apply	0/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	2.5/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While SB 288 offers an avenue for record clearance that includes relief for cannabis offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



HAWAI'I

Hawai'i's laws lag behind, lacking full legalization, offering very narrow opportunities for record clearance, no opportunities for resentencing, and enacting a pardon program that the Governor is yet to implement.

SUMMARY	
Legalization	2 / 4
Pardon Program	.5/1
Record Clearance	6 / 10
Resentencing	0 / 10
TOTAL	8.5 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization	0/2
TOTAL	2/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program*	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	.5/1

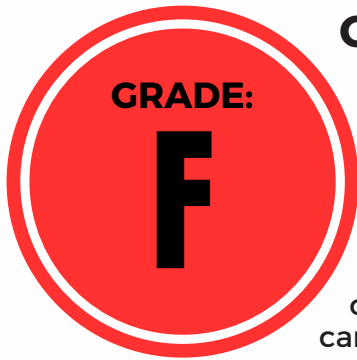
RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[HAW. REV. STAT. § 706-622.5(5)]	
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	.5/1
Includes possession charges of <3 oz with no option for prosecutorial objection. Excludes concurrent or violent offenses.	
<input checked="" type="checkbox"/> No Waiting Period	0/.5
Requires individuals to complete a substance abuse treatment program before applying	
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
Associated costs are paid by the state	
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	6/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*In April 2023, the Hawai'i State Legislature passed House Concurrent Resolution No. 51, which urges Governor Green to initiate a clemency program that can provide relief for individuals who are still under supervision for a cannabis conviction. The resolution instructs the Governor to work with the Last Prisoner Project and the Hawai'i Innocence Project to implement this program and ensure relief for impacted individuals, though it has not yet begun.

CANNABIS JUSTICE POLICY REPORT CARD



IDAHO

With no legalization, no pardon policy, and no avenues for either record clearance or resentencing, Idaho falls behind by offering no relief for individuals impacted by the countries past cannabis prohibition.

SUMMARY	
Legalization	0 / 4
Pardon Program	0 / 1
Record Clearance	0 / 10
Resentencing	0 / 10
TOTAL	0 / 25

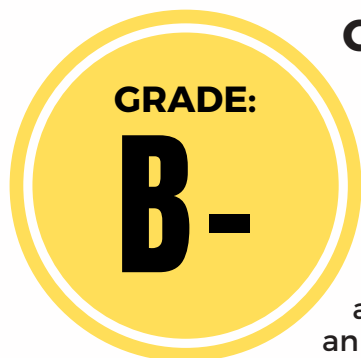
LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	0/1
<input checked="" type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> No Fines and Fees	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	0/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

CANNABIS JUSTICE POLICY REPORT CARD



ILLINOIS

While Illinois has decent policies including legalization, an operational pardon program, and avenues for record clearance and resentencing, the implementation has been slow. This is due to an arduous record clearance process as well as a resentencing scheme that doesn't specify cannabis offenses, therefore delaying relief.

SUMMARY	
Legalization	4 / 4
Pardon Program	1 / 1
Record Clearance	6.5 / 10
Resentencing	3 / 10
TOTAL	14.5 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2019)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use*	.5/.5
TOTAL	1/1

RECORD CLEARANCE (RC)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT [HB 1438]	
	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes felony charges, but through petition rather than the state-initiated process	.5/1
<input checked="" type="checkbox"/> No Waiting Period While individuals are eligible to apply at any point, the review process is arduous and slow	.3/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification The court is responsible for notification, but there are no oversight requirements	.2/.5
TOTAL	6.5/10

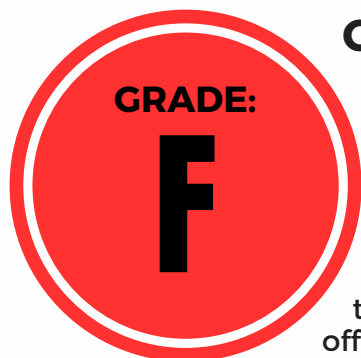
RESENTENCING (RES)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SECOND LOOK RESENTENCING]	
	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Eligible for all offenses, but only after 20 years incarcerated, excluding many drug offenses	.5/1
<input checked="" type="checkbox"/> No Waiting Period Eligible after 20+ years of incarceration	0/.5
<input checked="" type="checkbox"/> Presumption of Relief Relief is granted if the individual no longer poses "a threat to public safety"	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	3/10

NOTES

*In December 2019, Governor Pritzker issued pardons to 11,017 people with eligible convictions. In December 2020, Pritzker pardoned an additional 9,219 people, along with the expungement of almost 500,000 non-conviction records.

*While we applaud Illinois for enacting a cannabis-specific record clearance and resentencing policy, the process involves an arduous, three-tiered review process by the Prisoner Review Board that has greatly stalled implementation and left many eligible individuals without relief.

CANNABIS JUSTICE POLICY REPORT CARD



INDIANA

Indiana's policies fall behind, lacking legalization as well as avenues for record clearance or resentencing. With this said, the state has a strong history of offering pardons for cannabis offenses, though, this relief lacks both breadth and depth.

SUMMARY

Legalization	0 / 4
Pardon Program	1 / 1
Record Clearance	0 / 10
Resentencing	0 / 10
TOTAL	1 / 25

LEGALIZATION

POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input type="checkbox"/> Medical Use	0/1
<input type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use*	.5/.5
TOTAL	1/1

RECORD CLEARANCE

POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2

STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5

TOTAL 0/10

RESENTENCING

POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2

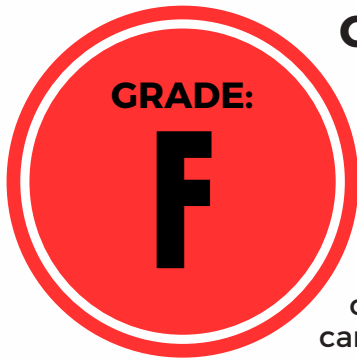
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5

TOTAL 0/10

NOTES

*Indiana has a long-standing tradition of granting pardons, many of which have gone towards low-level drug offenses. In the seven-year period between 1997 and 2004, 129 pardons were granted, and a high percentage of those who applied were granted. Following this, from 2005-2013, Governor Mitch Daniels granted 62 pardons, many of which went to minor drug offenders (though only three were to individuals convicted of selling drugs).

CANNABIS JUSTICE POLICY REPORT CARD



IOWA

With no full legalization, no pardon policy, and no avenues for either record clearance or resentencing, Iowa falls behind and offers no relief for individuals impacted by the countries past cannabis prohibition.

SUMMARY	
Legalization	1 / 4
Pardon Program	0 / 1
Record Clearance	0 / 10
Resentencing	0 / 10
TOTAL	1 / 25

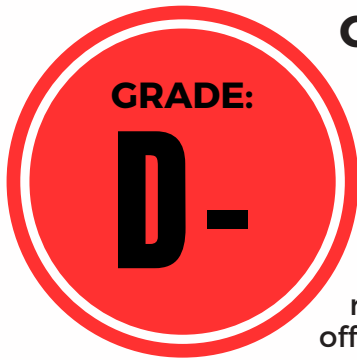
LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	0/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

CANNABIS JUSTICE POLICY REPORT CARD



KANSAS

Lacking legalization, resentencing, and a pardon program, Kansas falls behind and only offers a very narrow avenue for record clearance that fails to expedite cannabis offenses, therefore offering minimal and delayed relief for impacted individuals.

SUMMARY	
Legalization	0 / 4
Pardon Program	0 / 1
Record Clearance	2.5 / 10
Resentencing	0 / 10
TOTAL	2.5 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input type="checkbox"/> Medical Use	0/1
<input type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SB 366]*	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Excludes serious violent and sexual offenses	.5/1
<input type="checkbox"/> No Waiting Period Eligible 3-5 years aftersentence completionn	0/.5
<input type="checkbox"/> No Fines and Fees Has a \$195 expungement f ex	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	2.5/10

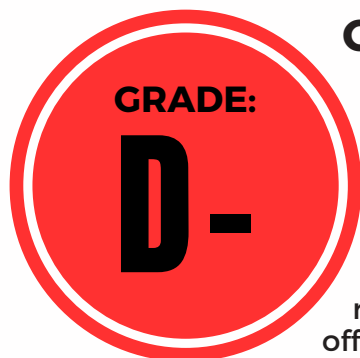
RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While SB 366 offers an avenue for record clearance that includes relief for non-violent cannabis offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

Notably, Kansas is in a unique situation as the state has no eligibility criteria for pardons and commutations. This gives it the potential to be a robust avenue for relief if acted upon, though, the state is yet to meaningfully do so.

CANNABIS JUSTICE POLICY REPORT CARD



KENTUCKY

Lacking legalization, resentencing, and a pardon program, Kentucky falls behind and only offers a very narrow avenue for record clearance that fails to expedite cannabis offenses, therefore offering minimal and delayed relief for impacted individuals.

SUMMARY	
Legalization	1 / 4
Pardon Program	0 / 1
Record Clearance	2.5 / 10
Resentencing	0 / 10
TOTAL	3.5 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HB 40]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Excludes serious violent and sexual offenses	.5/1
<input type="checkbox"/> No Waiting Period Eligible 5 years aftersentence completionn	0/.5
<input type="checkbox"/> No Fines and Fees Has a \$250 expungement fee	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	2.5/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While HB 40 offers an avenue for record clearance that includes relief for non-violent cannabis offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



LOUISIANA

While Louisiana offers avenues for pardons and record clearance the eligibility and implementation of these processes is extremely limited, making the relief inadequate. Furthermore, the state recently removed its Second Look Resentencing policy, an imperative avenue for individuals seeking sentence modification.

SUMMARY	
Legalization	2 / 4
Pardon Program	.5 / 1
Record Clearance	3.5 / 10
Resentencing	0 / 10
TOTAL	6 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization	0/2
TOTAL	2/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program*	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	.5/.5
TOTAL	.5/1

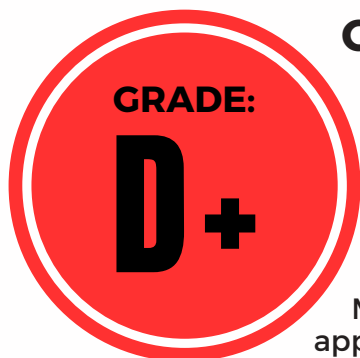
RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
[HB 286]	
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Only eligible if convictions is sole offense and excludes trafficking and violent offenses	.5/1
<input checked="" type="checkbox"/> No Waiting Period Eligible 5-10 years after sentence completion	0/.5
<input checked="" type="checkbox"/> No Fines and Fees Has a \$300 application fee	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	3.5/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*Louisiana has a unique avenue for cannabis policy and pardon policy as the state allows for local laws that differ from state laws, allowing mayors to enforce local decriminalization as well as allowing for mayoral pardons. This power has been used in multiple localities, most notably, New Orleans, where the City Council voted to end penalties for small amounts of marijuana possession and to pardon roughly 10,000 convictions and pending cases.

CANNABIS JUSTICE POLICY REPORT CARD



MAINE

Despite being an early state to legalize In 2016, Maine still falls far behind In offering retroactive relief. In fact, of the legal states, Maine is one of only two that still lack record clearance. While we applaud the state for offering an avenue towards resentencing, there should be an expedited avenue for cannabis offenses.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	0 / 10
Resentencing	3.5 / 10
TOTAL	7.5 / 25

LEGALIZATION	
POLICY	SCORE
✔ Decriminalization	1/1
✔ Medical Use	1/1
✔ Legalization (2016)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
✘ Cannabis-Specific Pardon Program	0/.5
✘ Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
✘ Cannabis-Specific Record Clearance	0/3
✘ Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
✘ State-Initiated Process	0/2
✘ Broad Eligibility Scheme	0/1
✘ No Waiting Period	0/.5
✘ No Fines and Fees	0/.5
✘ Enforceable Timeline	0/.5
✘ Oversight and Notification	0/.5
TOTAL	0/10

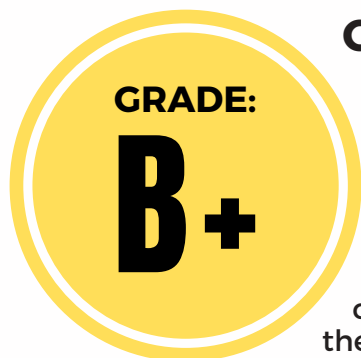
RESENTENCING	
POLICY	SCORE
✘ Cannabis-Specific Resentencing	0/3
✔ Other Resentencing Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[CHAPTER 306-A]	
✘ State-Initiated Process	0/2
✔ Broad Eligibility Scheme	1/1
✔ No Waiting Period	.5/.5
✘ Presumption of Relief	0/.5
✘ Enforceable Timeline	0/.5
✘ Oversight and Reporting	0/.5
TOTAL	3.5/10

NOTES

Unfortunately, of the 23 states that have legalized cannabis in 2023, Maine is one of only two states that do not have a record clearance process for cannabis convictions. This is particularly striking given the stark dichotomy between Maine being one of the first states to end the prohibition of cannabis, and also being one of the last states to redress the harms of prohibition.

With this said, we applaud the state for having a resentencing avenue with a very broad eligibility criteria. Unfortunately, the policy was not written for cannabis-specific, meaning that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently despite cannabis' legalization in the state.

CANNABIS JUSTICE POLICY REPORT CARD



MARYLAND

Boasting full legalization, a state-initiated record clearance process, and a broad resentencing process, Maryland has decent cannabis justice policies. With this said, the state is yet to implement them and has been struggling with full enactment, making actual relief difficult to evaluate.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	8.25 / 10
Resentencing	7 / 10
TOTAL	19.25 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2022)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

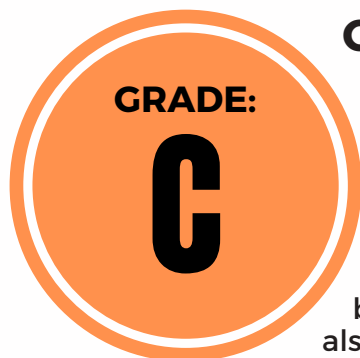
RECORD CLEARANCE (RC)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HB 837]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes felony charges, but through petition rather than the state-initiated process	.5/1
<input checked="" type="checkbox"/> No Waiting Period No waiting period for possession charges, but 3 year waiting period for distribution charges	.25/.5
<input type="checkbox"/> No Fines and Fees \$30 fee required	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline The state has 30 days to respond to petitions	.5/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	8.25/10

RESENTENCING (RES)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	3/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HB 1]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Eligible for any offense that now carries a lesser sentence	1/1
<input checked="" type="checkbox"/> No Waiting Period Individuals can apply at any time	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief For eligible cases without concurrent charges, the court must resentence the individual	.5/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	7/10

IMPLEMENTATION NOTES

Maryland's record clearance and resentencing processes were set to begin on July 1, 2023, but it is unclear if the processes are underway.

CANNABIS JUSTICE POLICY REPORT CARD



MASSACHUSETTS

While Massachusetts has full legalization and cannabis-specific record clearance opportunities, the implementation has fallen behind in the petition-based record clearance process. The state also lacks avenues for resentencing and pardons, hindering relief.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	7 / 10
Resentencing	0 / 10
TOTAL	11 / 25

LEGALIZATION	
POLICY	SCORE
✔ Decriminalization	1/1
✔ Medical Use	1/1
✔ Legalization (2016)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
✘ Cannabis-Specific Pardon Program	0/.5
✘ Pardon Program Use	0/.5
TOTAL	0/1

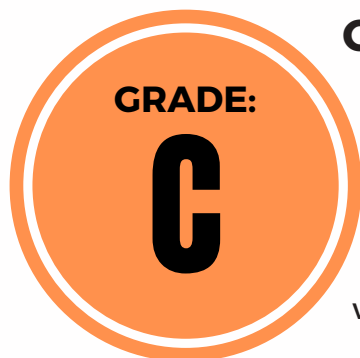
RECORD CLEARANCE	
POLICY	SCORE
✔ Cannabis-Specific Record Clearance	3/3
✔ Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [S. 3096, 2022]*	SCORE
✘ State-Initiated Process	0/2
✔ Broad Eligibility Scheme Includes all now decriminalized offenses, but not violent offenses and concurrent offenses	.5/1
✔ No Waiting Period Individuals can apply at any time	.5/.5
✔ No Fines and Fees Associated costs are paid by the state	.5/.5
✔ Enforceable Timeline The court must order the expungement within 30 days of receiving the petition	.5/.5
✘ Oversight and Notification	0/.5
TOTAL	7/10

RESENTENCING	
POLICY	SCORE
✘ Cannabis-Specific Resentencing	0/3
✘ Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
✘ State-Initiated Process	0/2
✘ Broad Eligibility Scheme	0/1
✘ No Waiting Period	0/.5
✘ Presumption of Relief	0/.5
✘ Enforceable Timeline	0/.5
✘ Oversight and Reporting	0/.5
TOTAL	0/10

IMPLEMENTATION NOTES

*Unfortunately, since expanding the states cannabis-specific record clearance process in 2022, Massachusetts has experienced delays in implementing the new policy, As a result, the process is not following through with its instructed timelines and has left many deserving individuals without relief.

CANNABIS JUSTICE POLICY REPORT CARD



MICHIGAN

While Michigan offers a strong partially state-initiated, cannabis-specific avenue for record clearance, the state still lags behind without any opportunity for resentencing and no pardon history.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	8 / 10
Resentencing	0 / 10
TOTAL	12 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2018)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HB 4982 & CLEAN SLATE]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	1/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes all now decriminalized offenses, but not violent offenses and concurrent offenses	.5/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline The court must order the expungement within 60 days of receiving the application	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	8/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

IMPLEMENTATION NOTES

*In 2019, Michigan was the subject of a robust empirical study investigating expungement efficacy, led by JJ Prescott and Sonja Starr. The study showed that, though the state had expungement provisions on the books, the number of people actually applying for and receiving relief was very low. In fact, of those eligible for relief, just 6.5% sought to obtain it within five years of enactment. The expungement policies were expanded after the publication of this study and the state created an automated process for a narrow range of convictions. Yet, the study has not been revisited, so it is unclear if the rates of expungement have drastically improved since then.

CANNABIS JUSTICE POLICY REPORT CARD



MINNESOTA

Boasting full legalization as well as state-initiated record clearance and resentencing laws, Minnesota holds some of the best cannabis justice laws in the country. With this said, the processes require arduous reviews by a specially appointed board that are likely to be arduous and are already proving to be delayed.

SUMMARY	
Legalization	4 / 4
Pardon Program	.5 / 1
Record Clearance	9.5 / 10
Resentencing	9 / 10
TOTAL	23 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2023)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	.5/1

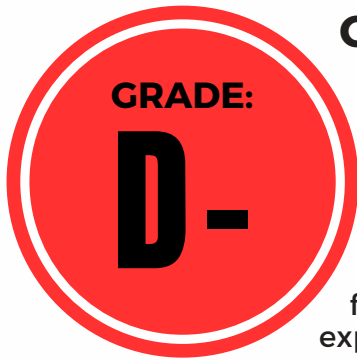
RECORD CLEARANCE (RC)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HF 100]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes felony charges, but through petition rather than the state-initiated process	.5/1
<input checked="" type="checkbox"/> No Waiting Period Relief is effectuated immediately	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees Associated costs are paid by the state	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline Records are to be expunged within 60 days	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification The court is responsible for reporting all data to the Cannabis Expungement Board	.5/.5
TOTAL	9.5/10

RESENTENCING (RES)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	3/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HF 100]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes all cannabis charges that now carry a lesser charge, but should deliberately include more concurrent offenses	.5/1
<input checked="" type="checkbox"/> No Waiting Period Eligible individuals can apply at any time	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief Relief is presumed unless a case is challenged	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting The court is responsible for reporting all data to the Cannabis Expungement Board	.5/.5
TOTAL	9/10

IMPLEMENTATION NOTES

HF 100 was officially enacted August 1, 2023, and the status of implementation and the progress of the Cannabis Expungement Board is still unknown. Unfortunately, these delays suggest that the creation of a separate board to effectuate relief may complicate the already arduous process and slow down the review structure.

CANNABIS JUSTICE POLICY REPORT CARD



MISSISSIPPI

Lacking full legalization, resentencing, and a pardon program, Mississippi falls behind and only offers a very limited avenue for record clearance that fails to bring adequate relief and fails to expedite or guarantee cannabis-related offenses.

SUMMARY	
Legalization	2 / 4
Pardon Program	0 / 1
Record Clearance	2 / 10
Resentencing	0 / 10
TOTAL	4 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	2/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

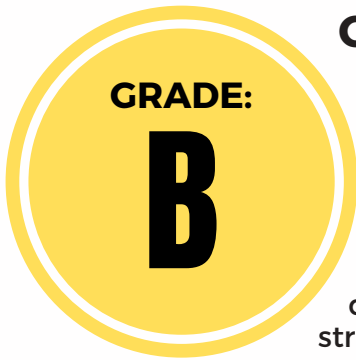
RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[MISS. CODE ANN. § 99-19-71(1)]	
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
Includes first-offender misdemeanor offenses and a single non-violent felony conviction, excluding drug trafficking and sexual cases	
<input type="checkbox"/> No Waiting Period	0/.5
Has a five-year waiting period	
<input type="checkbox"/> No Fines and Fees	0/.5
Includes fees and restitution	
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	2/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While Mississippi offers an avenue for record clearance that includes relief for non-violent cannabis offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



MISSOURI

Including full legalization, a state-initiated record clearance process, and a broad avenue for resentencing, Missouri offers decent relief for cannabis offenses. Unfortunately, the state has struggled with implementation and relief has been slow.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	9.25 / 10
Resentencing	5 / 10
TOTAL	18.25 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2022)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

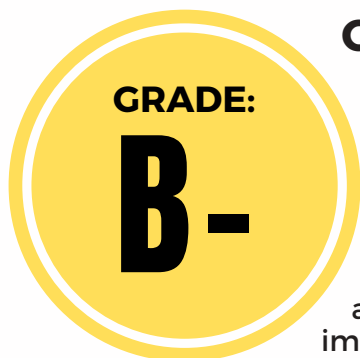
RECORD CLEARANCE (RC)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [BALLOT INITIATIVE NO. 3]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes most felony marijuana convictions under the automated system	1/1
<input checked="" type="checkbox"/> No Waiting Period Individuals with felony convictions are eligible upon completion of their sentence	.25/.5
<input checked="" type="checkbox"/> No Fines and Fees Associated costs are paid by the state	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline The state has 6-12 months to expunge records	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	9.25/10

RESENTENCING (RES)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	3/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT [BALLOT INITIATIVE NO. 3]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Eligible for any offense that now carries a lesser sentence	1/1
<input checked="" type="checkbox"/> No Waiting Period Individuals can apply at any time	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	5/10

IMPLEMENTATION NOTES

The deadline to expunge all marijuana-related misdemeanors passed on June 8th, 2023 and the deadline to expunge all marijuana-related felonies is coming up on December 8, 2023. Unfortunately, the state is not on track to fully meet these deadlines with an unknown number of cases remaining. With this said, the state has begun the process and as of June 2023 had expunged a total of 44,000 cases, comprised of 10,000 felonies and 32,500 misdemeanors.

CANNABIS JUSTICE POLICY REPORT CARD



MONTANA

While Montana has full legalization as well as broad avenues for record clearance and resentencing, neither of these processes are state-initiated, leading to implementation delays and mitigated impact for affected individuals.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	7 / 10
Resentencing	5.5 / 10
TOTAL	16.5 / 25

LEGALIZATION	
POLICY	SCORE
✔ Decriminalization	1/1
✔ Medical Use	1/1
✔ Legalization (2021)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
⊗ Cannabis-Specific Pardon Program	0/.5
⊗ Pardon Program Use	0/.5
TOTAL	0/1

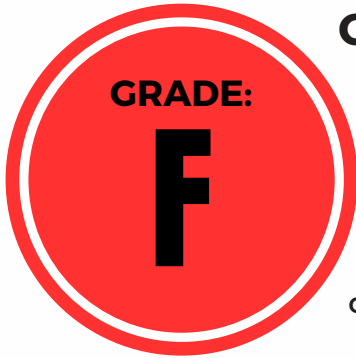
RECORD CLEARANCE (RC)	
POLICY	SCORE
✔ Cannabis-Specific Record Clearance	3/3
✔ Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[MONTANA MARIJUANA REGULATION AND TAXATION ACT]	
⊗ State-Initiated Process	0/2
✔ Broad Eligibility Scheme	.5/1
Includes any cannabis offense that now carries a lesser charge, but allows broad prosecutorial opposition	
✔ No Waiting Period	.5/.5
✔ No Fines and Fees	.5/.5
Associated costs are paid by the state	
✔ Enforceable Timeline	.5/.5
The County Attorney has 21 days to respond to submitted petitions	
⊗ Oversight and Notification	0/.5
TOTAL	7/10

RESENTENCING (RES)	
POLICY	SCORE
✔ Cannabis-Specific Resentencing	3/3
⊗ Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
[MONTANA MARIJUANA REGULATION AND TAXATION ACT]	
⊗ State-Initiated Process	0/2
✔ Broad Eligibility Scheme	1/1
Eligible for any offense that now carries a lesser sentence	
✔ No Waiting Period	.5/.5
Individuals can apply at any time	
✔ Presumption of Relief	.5/.5
✔ Enforceable Timeline	.5/.5
The County Attorney has 21 days to respond to submitted petitions	
⊗ Oversight and Reporting	0/.5
TOTAL	5.5/10

IMPLEMENTATION NOTES

Unfortunately, as of January 2022, officials in Montana reported that state courts had very low demand for marijuana-related convictions. This is likely due to the structure of the expungement process, which requires individuals to file petitions, but isn't conducting widespread notification to alert individuals of their eligibility or the process.

CANNABIS JUSTICE POLICY REPORT CARD



NEBRASKA

With no full legalization, no pardon policy, and no avenues for either record clearance or resentencing, Nebraska falls behind and offers no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	1 / 4
Pardon Program	0 / 1
Record Clearance	0 / 10
Resentencing	0 / 10
TOTAL	1 / 25

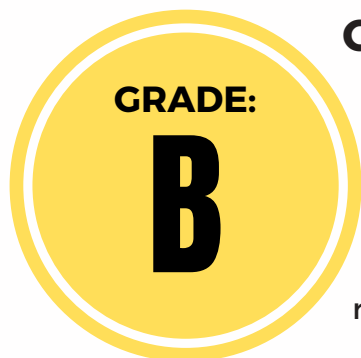
LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input type="checkbox"/> Medical Use	0/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	0/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

CANNABIS JUSTICE POLICY REPORT CARD



NEVADA

Including full legalization, a pardon program, and processes for partially state-initiated record clearance and petition-based resentencing, Nevada has decent cannabis justice laws.

SUMMARY	
Legalization	4 / 4
Pardon Program	1 / 1
Record Clearance	8 / 10
Resentencing	5 / 10
TOTAL	18 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2017)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use*	.5/.5
TOTAL	1/1

RECORD CLEARANCE (RC)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [AB 192 & AB 158]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process The automated process only applies to those who were under 21 when convicted	1/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes any decriminalized offense, but not concurrent offenses	.5/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees Associated costs are paid by the state	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline If the prosecutor doesn't object within 10 days, the court must expunge the record	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	8/10

RESENTENCING (RES)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	3/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT [PROP 64]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes any charge that now carries a lesser offense	1/1
<input checked="" type="checkbox"/> No Waiting Period Individuals can apply at any time	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief If the petition meets the criteria and doesn't pose an "unreasonable risk of danger," the court must grant the petition	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	5/10

NOTES

*In June 2020, the Nevada State Board of Pardons Commissioners passed a resolution recommended by the governor to pardon individuals convicted of possession of <1 oz, from January 1986 to January 2017, covering more than 15,000 people.

CANNABIS JUSTICE POLICY REPORT CARD



NEW HAMPSHIRE

New Hampshire falls behind its neighboring states, lacking full legalization, a pardon program, and resentencing. While the state offers an avenue for record clearance, it is petitioner-initiated and has been slow to implement, mitigating the relief.

SUMMARY

Legalization	2 / 4
Pardon Program	0 / 1
Record Clearance	6.5 / 10
Resentencing	0 / 10
TOTAL	8.5 / 25

LEGALIZATION

POLICY	SCORE
✔ Decriminalization	1/1
✔ Medical Use	1/1
✘ Legalization	0/2
TOTAL	2/4

PARDONS

POLICY	SCORE
✘ Cannabis-Specific Pardon Program	0/.5
✘ Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE

POLICY	SCORE
✔ Cannabis-Specific Record Clearance	3/3
✔ Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2

STATUTORY ASSESSMENT	SCORE
[HOUSE BILL 399]	
✘ State-Initiated Process	0/2
✔ Broad Eligibility Scheme	.5/1
Eligible for cases of possession, transportation, and purchase of <.75oz of marijuana	
✔ No Waiting Period	.5/.5
✔ No Fines and Fees	0/.5
✔ The fines and fees add up to \$325 total	
Enforceable Timeline	.5/.5
If a prosecutor does not object within 10 days	
✘ of receiving a petition, the court must annul	
Oversight and Notification	0/.5

TOTAL 6.5/10

RESENTENCING

POLICY	SCORE
✘ Cannabis-Specific Resentencing	0/3
✘ Other Resentencing Processes that Include Certain Cannabis Offenses	0/2

STATUTORY ASSESSMENT	SCORE
✘ State-Initiated Process	0/2
✘ Broad Eligibility Scheme	0/1
✘ No Waiting Period	0/.5
✘ Presumption of Relief	0/.5
✘ Enforceable Timeline	0/.5
✘ Oversight and Reporting	0/.5

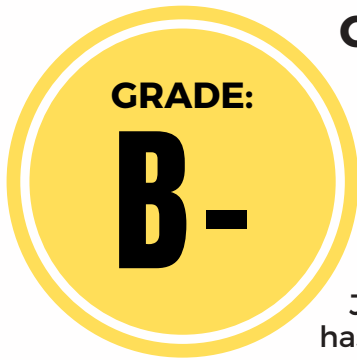
TOTAL 0/10

IMPLEMENTATION NOTES

Unfortunately, according to 2020 coverage from NHPR, the implementation of HB 399 has significantly lagged in New Hampshire. Due to difficulty accessing and parsing through digital records, courts have struggled to keep up with expungement demand, leaving many deserving individuals without relief.

Notably, New Hampshire lags far behind its neighboring states, being the only jurisdiction in New England that is yet to legalize cannabis.

CANNABIS JUSTICE POLICY REPORT CARD



NEW JERSEY

Including full legalization, a state-initiated process for record clearance, and a cannabis-specific process for resentencing, New Jersey has decent cannabis justice policies and implementation has been underway.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	7 / 10
Resentencing	4 / 10
TOTAL	15 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2021)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

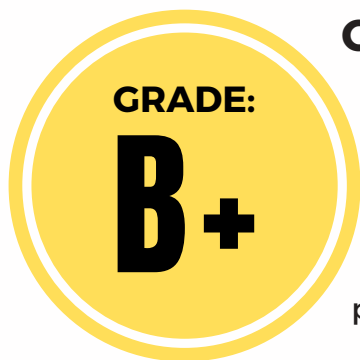
RECORD CLEARANCE (RC)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [A. 5981/S. 4154]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes possession of <6oz and distribution or manufacturing of <1 oz	.5/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees Associated costs are paid by the state	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	8.5/10

RESENTENCING (RES)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	3/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT [A. 1897]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes individuals incarcerated for a fourth-degree or disorderly marijuana offense	.5/1
<input checked="" type="checkbox"/> No Waiting Period Individuals can apply at any time	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	4/10

IMPLEMENTATION NOTES

On September 16, 2021, the New Jersey Judiciary announced that the state has expunged over 362,000 marijuana cases since July 1 - with thousands more to come. Unfortunately, there have been no updates regarding the implementation of the resentencing bill, and it is unclear if any individuals have received relief.

CANNABIS JUSTICE POLICY REPORT CARD



NEW MEXICO

New Mexico offers some of the most robust policies in the nation, including full legalization as well as a state-initiated process for both record clearance and resentencing.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	9 / 10
Resentencing	6.5 / 10
TOTAL	19.5 / 25

LEGALIZATION	
POLICY	SCORE
✔ Decriminalization	1/1
✔ Medical Use	1/1
✔ Legalization (2021)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
✘ Cannabis-Specific Pardon Program	0/.5
✘ Pardon Program Use	0/.5
TOTAL	0/1

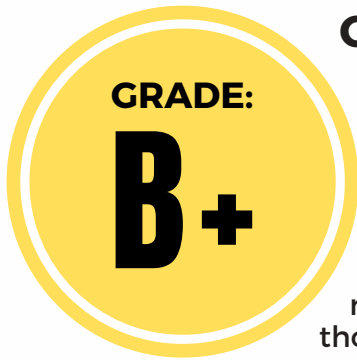
RECORD CLEARANCE (RC)	
POLICY	SCORE
✔ Cannabis-Specific Record Clearance	3/3
✔ Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HB 314]	
	SCORE
✔ State-Initiated Process	2/2
✔ Broad Eligibility Scheme Includes any offense that now carries a lesser charge, but not violent/concurrent charges	.5/1
✔ No Waiting Period Individuals are eligible 2 years after conviction	.5/.5
✔ No Fines and Fees Associated costs are paid by the state	.5/.5
✘ Enforceable Timeline	0/.5
✔ Oversight and Notification The state court is tasked with oversight	.5/.5
TOTAL	9/10

RESENTENCING (RES)	
POLICY	SCORE
✔ Cannabis-Specific Resentencing	3/3
✘ Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT [SB 2]	
	SCORE
✔ State-Initiated Process	2/2
✔ Broad Eligibility Scheme Includes any charge that now carries a lesser offense, but not violent/concurrent charges	.5/1
✔ No Waiting Period Individuals can apply at any time	.5/.5
✘ Presumption of Relief	0/.5
✔ Enforceable Timeline The state must identify eligible cases and notify courts within 30 days of enactment	.5/.5
✘ Oversight and Reporting	0/.5
TOTAL	6.5/10

IMPLEMENTATION NOTES

While New Mexico has good laws for both record clearance and resentencing, the state has faced efforts to roll back these efforts for retroactive relief in recent years. For example, in 2023, HB 314 was introduced with the intent of limiting eligibility for state-initiated record clearance. While the Last Prisoner Project successfully worked to mitigate the damage of this rollback bill, the continued rollback efforts in the state are cause for concern.

CANNABIS JUSTICE POLICY REPORT CARD



NEW YORK

Including full legalization, a partially state-initiated process for record clearance, and a broad avenue for cannabis-specific resentencing, New York offers decent relief for impacted individuals, though implementation has faced difficulties in the state.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	9.5 / 10
Resentencing	5 / 10
TOTAL	18.5 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2021)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use*	0/.5
TOTAL	0/1

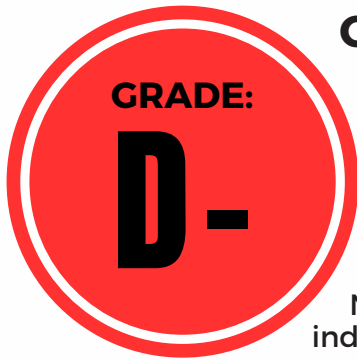
RECORD CLEARANCE (RC)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [AB. 1248/SB. 854]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input type="checkbox"/> Broad Eligibility Scheme Includes misdemeanor offenses and felony possession offenses	.5/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees Associated costs are paid by the state	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline State courts have 2 years to clear convictions	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification The court will notify all individuals and state agencies, as well as conduct a notification campaign to alert eligible individuals	.5/.5
TOTAL	9.5/10

RESENTENCING (RES)	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	3/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT [AB. 1248/SB. 854]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes any charge that now carries a lesser offense	1/1
<input checked="" type="checkbox"/> No Waiting Period Individuals can apply at any time	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief	.5/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	5/10

IMPLEMENTATION NOTES

Record clearance implementation for misdemeanors is well underway, but, unfortunately, implementation for felony cases is lagging due to technical errors that are making eligible records hard to identify.

CANNABIS JUSTICE POLICY REPORT CARD



NORTH CAROLINA

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited avenues for record clearance, North Carolina falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	1 / 4
Pardon Program	0 / 1
Record Clearance	2 / 10
Resentencing	0 / 10
TOTAL	3 / 25

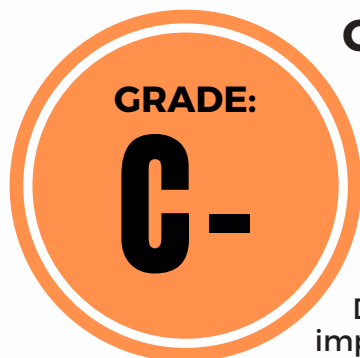
LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	0/1
<input checked="" type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SECOND CHANCE ACT - S562]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes first-offender non-violent misdemeanor offenses	0/1
<input checked="" type="checkbox"/> No Waiting Period Has a ten-year waiting period after the completion of probation or parole	0/.5
<input checked="" type="checkbox"/> No Fines and Fees Has a \$175 filing fee	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	2/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

CANNABIS JUSTICE POLICY REPORT CARD



NORTH DAKOTA

With no full legalization, no active pardon policy, no avenues for resentencing, and extremely limited record clearance, North Dakota falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	2 / 4
Pardon Program	.5 / 1
Record Clearance	6 / 10
Resentencing	0 / 10
TOTAL	8.5 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization	0/2
TOTAL	2/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program*	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	.5/1

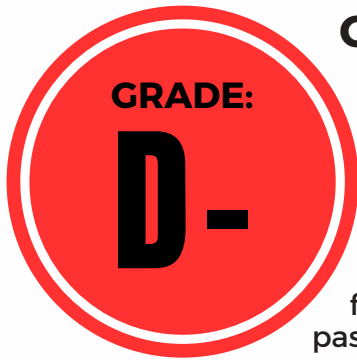
RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[N.D. CENT. CODE § 19-03.1-23(9)]	
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
Only eligible for first-offense marijuana possession charges	
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	6/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*A Pardon Advisory Board policy adopted in 2019 authorizes people convicted of marijuana possession who have had no convictions in the past five years to "submit a Summary Pardon Application." The Office of the Governor estimated that as many as 175,000 people could be eligible for relief. Has not yet been used.

CANNABIS JUSTICE POLICY REPORT CARD



OHIO

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited record clearance, Ohio falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	2 / 4
Pardon Program	0 / 1
Record Clearance	2 / 10
Resentencing	0 / 10
TOTAL	4 / 25

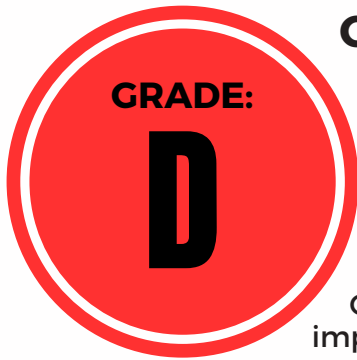
LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	2/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	2/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

CANNABIS JUSTICE POLICY REPORT CARD



OKLAHOMA

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited avenues for record clearance, Oklahoma falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	2 / 4
Pardon Program	0 / 1
Record Clearance	3.5 / 10
Resentencing	0 / 10
TOTAL	5.5 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

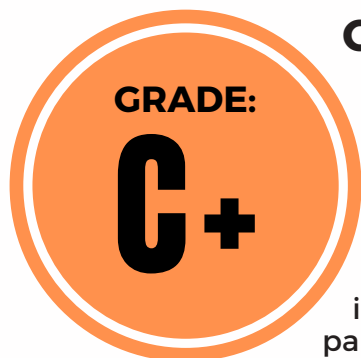
RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[CLEAN SLATE]	
<input checked="" type="checkbox"/> State-Initiated Process The state-initiated process begins in 2025	1/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes felony charges, but through petition rather than the state-initiated process	.5/1
<input type="checkbox"/> No Waiting Period Require a 1-5 year waiting period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	3.5/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While Oklahoma offers an avenue for record clearance that includes relief for cannabis-related offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



OREGON

While Oregon has full legalization as well as policies for both record clearance and resentencing, the policies are petitioner-initiated, limiting their impact. With this said, Governor Brown's pardon history has been robust and worthy of applause.

SUMMARY

Legalization	2 / 4
Pardon Program	1 / 1
Record Clearance	6 / 10
Resentencing	4 / 10
TOTAL	13 / 25

LEGALIZATION

POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2015)	2/2
TOTAL	4/4

PARDONS

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use*	.5/.5
TOTAL	1/1

RECORD CLEARANCE

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2

STATUTORY ASSESSMENT [SB 302]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Eligible for charges that now carry a lesser offense, but includes many exceptions	.5/1
<input checked="" type="checkbox"/> No Waiting Period Individuals must finish their probation period	0/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	6/10

RESENTENCING

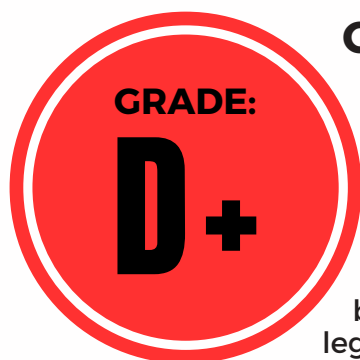
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	2/2

STATUTORY ASSESSMENT [SECOND LOOK RESENTENCING]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Eligible for any individual who is no longer considered a threat to public safety	1/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	4/10

NOTES

*On November 21, 2022, Governor Kate Brown pardoned 47,144 individuals with single-charge possession of marijuana cases if the person was 21 years of age or older, the amount was one ounce or less, and there were no victims. Notably, Oregon is one of very few states where a pardon also initiates record clearance, making this action particularly impactful.

CANNABIS JUSTICE POLICY REPORT CARD



PENNSYLVANIA

While Pennsylvania has a cannabis-specific record clearance process and a pardon program in place, the implementation of both has lagged behind. Additionally, the state still lacks full legalization and any form of cannabis-related resentencing.

SUMMARY	
Legalization	1 / 4
Pardon Program	.5 / 1
Record Clearance	6.5 / 10
Resentencing	0 / 10
TOTAL	8 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program*	.5/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	.5/1

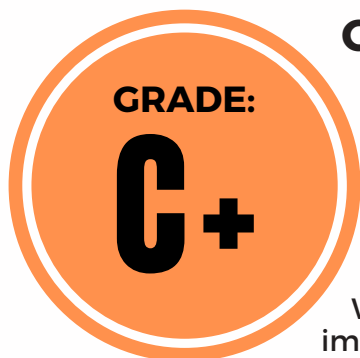
RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[CLEAN SLATE, WITH EXPEDITED TIMELINE FOR CANNABIS OFFENSES]	
<input checked="" type="checkbox"/> State-Initiated Process The state-initiated process is only for individuals serving a sentence of <5 years	1/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Only eligible for certain first-offender misdemeanors, includes no felonies	.5/1
<input type="checkbox"/> No Waiting Period Requires a 5-10 year waiting period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	6.5/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*In 2019, the Pennsylvania Board of Pardons established an expedited review program for certain non-violent cannabis convictions. In 2022, Tom Wolf announced a 30-day program for cannabis clemency but it failed to offer relief, with officials tentatively considering just 231 of more than 3,500 clemency applications it received over a one-month period.

CANNABIS JUSTICE POLICY REPORT CARD



RHODE ISLAND

Although Rhode Island still lacks a resentencing policy, the state offers a very strong state-initiated record clearance process. With this said, the courts have struggled with the second stage of implementation, thus delaying relief for eligible individuals.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	9 / 10
Resentencing	0 / 10
TOTAL	13 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2022)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

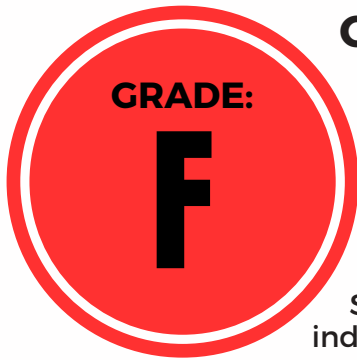
RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SB 2430]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes now legal offenses for individuals without previous or concurrent convictions	.5/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees Waives expungement costs	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline Has a deadline of July 2024	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	9/10

RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

IMPLEMENTATION NOTES

As of June 2023, Rhode Island had expunged more than 23,000 marijuana possession charges. Unfortunately, the second phase of expungement involves cases in which possession of marijuana was one of multiple counts, and the courts are finding more difficulty in expunging this category of offenses. This is due to data difficulties that require manual input.

CANNABIS JUSTICE POLICY REPORT CARD



SOUTH CAROLINA

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited avenues for record clearance, South Carolina falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	0 / 4
Pardon Program	0 / 1
Record Clearance	2 / 10
Resentencing	0 / 10
TOTAL	2 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input type="checkbox"/> Medical Use	0/1
<input type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

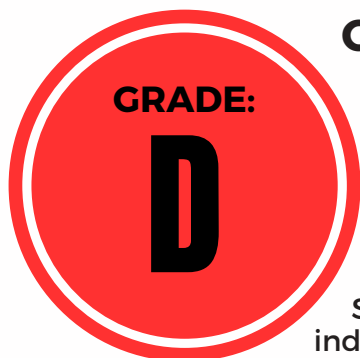
RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HR 3209]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme Only eligible for first-offender drug possession misdemeanor cases	0/1
<input type="checkbox"/> No Waiting Period Has a 3-year waiting period	0/.5
<input type="checkbox"/> No Fines and Fees Has a \$1,000 fine	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	2/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While HR 3209 offers an avenue for record clearance that includes relief for cannabis-related offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



SOUTH DAKOTA

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited avenues for record clearance, South Dakota falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	1 / 4
Pardon Program	0 / 1
Record Clearance	4 / 10
Resentencing	0 / 10
TOTAL	5 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/5
<input type="checkbox"/> Pardon Program Use	0/5
TOTAL	0/1

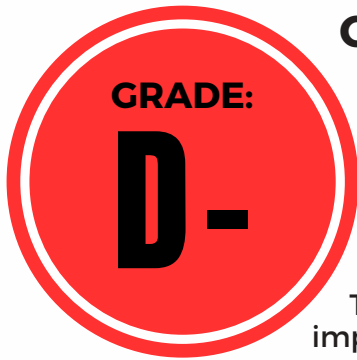
RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SB 174]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	2/2
<input type="checkbox"/> Broad Eligibility Scheme Only eligible for minor misdemeanors and petty offenses with no other convictions	0/1
<input type="checkbox"/> No Waiting Period Has a 5-year waiting period	0/5
<input type="checkbox"/> No Fines and Fees	0/5
<input type="checkbox"/> Enforceable Timeline	0/5
<input type="checkbox"/> Oversight and Notification There is no oversight and after expungement, records can still be accessed by courts and used as an enhancement by prosecutors	0/5
TOTAL	4/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/5
<input type="checkbox"/> Presumption of Relief	0/5
<input type="checkbox"/> Enforceable Timeline	0/5
<input type="checkbox"/> Oversight and Reporting	0/5
TOTAL	0/10

NOTES

*While SB 174 offers an avenue for record clearance that includes relief for cannabis-related offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



TENNESSEE

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited avenues for record clearance, Tennessee falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	0 / 4
Pardon Program	0 / 1
Record Clearance	3 / 10
Resentencing	0 / 10
TOTAL	3 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input type="checkbox"/> Medical Use	0/1
<input type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HB 1679]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes misdemeanors, certain felonies, and concurrent charges treated as single offense	1/1
<input type="checkbox"/> No Waiting Period Has a 5-10 year waiting period after all terms of the sentence have been completed	0/.5
<input type="checkbox"/> No Fines and Fees Has a \$100 filing fee	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	3/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While HB 1679 offers an avenue for record clearance that includes relief for cannabis-related offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



TEXAS

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited avenues for record clearance, Texas falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	0 / 4
Pardon Program	0 / 1
Record Clearance	4 / 10
Resentencing	0 / 10
TOTAL	4 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input type="checkbox"/> Medical Use	0/1
<input type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [HB 719]*	SCORE
<input checked="" type="checkbox"/> State-Initiated Process The automated process is only eligible for non-violent misdemeanors	1/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes certain felonies, repeat misdemeanors, and non-conviction records	1/1
<input type="checkbox"/> No Waiting Period Has a 180 day waiting period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	4/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While HB 719 offers an avenue for record clearance that includes relief for cannabis-related offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



UTAH

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited avenues for record clearance, Utah falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	1 / 4
Pardon Program	0 / 1
Record Clearance	4.25 / 10
Resentencing	0 / 10
TOTAL	5.25 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input type="checkbox"/> Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

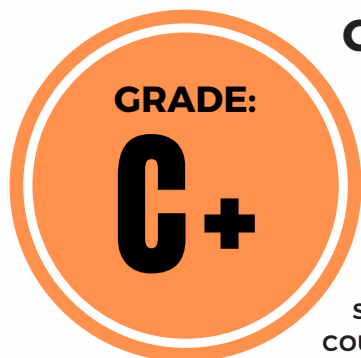
RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT	SCORE
[CLEAN SLATE, HB 431]	
<input checked="" type="checkbox"/> State-Initiated Process The automated process includes certain non-convictions, infractions, and misdemeanors	1/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Only includes misdemeanor possession cases	.5/1
<input type="checkbox"/> No Waiting Period Has a 180 day waiting period	0/.5
<input type="checkbox"/> No Fines and Fees	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline The state must respond to cases within 35 days and provide notice of the relief	.5/.5
<input checked="" type="checkbox"/> Oversight and Notification The court must report to the Judicial Council but no notification requirements	.25/.5
TOTAL	4.25/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input type="checkbox"/> Broad Eligibility Scheme	0/1
<input type="checkbox"/> No Waiting Period	0/.5
<input type="checkbox"/> Presumption of Relief	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	0/10

IMPLEMENTATION NOTES

According to a 2021 report, implementation was stalled due to COVID-19, but implementation is back on track. Unfortunately, because the law has no notification requirements, survey data shows that 65% of people with records report that they have not heard of Utah's Clean Slate law.

CANNABIS JUSTICE POLICY REPORT CARD



VERMONT

While Vermont still lacks any cannabis-specific avenue for resentencing, it has full legalization and very strong language for state-initiated record clearance. With this said, it is unknown if the courts complied with its Implementation deadline of January, 2022.

SUMMARY

Legalization	4 / 4
Pardon Program	.5 / 1
Record Clearance	9.25 / 10
Resentencing	0 / 10
TOTAL	13.75 / 25

LEGALIZATION

POLICY	SCORE
✔ Decriminalization	1/1
✔ Medical Use	1/1
✔ Legalization (2018)	2/2
TOTAL	4/4

PARDONS

POLICY	SCORE
✘ Cannabis-Specific Pardon Program	0/.5
✔ Pardon Program Use	.5/.5
TOTAL	.5/1

RECORD CLEARANCE

POLICY	SCORE
✔ Cannabis-Specific Record Clearance	3/3
✔ Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2

STATUTORY ASSESSMENT [SB 234]	SCORE
✔ State-Initiated Process	2/2
⊙ Broad Eligibility Scheme Includes now-legal cannabis offenses	.5/1
✔ No Waiting Period	.5/.5
✔ No Fines and Fees	.5/.5
✔ Enforceable Timeline Has a deadline of January 1, 2022	.5/.5
⊙ Oversight and Notification Must notify state agencies and individuals	.25/.5

TOTAL 9.25/10

RESENTENCING

POLICY	SCORE
✘ Cannabis-Specific Resentencing	0/3
✘ Other Resentencing Processes that Include Certain Cannabis Offenses	0/2

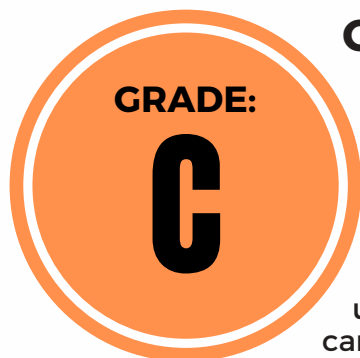
STATUTORY ASSESSMENT	SCORE
✘ State-Initiated Process	0/2
✘ Broad Eligibility Scheme	0/1
✘ No Waiting Period	0/.5
✘ Presumption of Relief	0/.5
✘ Enforceable Timeline	0/.5
✘ Oversight and Reporting	0/.5

TOTAL 0/10

NOTES

While Vermont doesn't have a continued pardon program, it is worth noting that in one of his final acts in office, then-Governor Peter Shumlin pardoned 192 people convicted of marijuana possession in the state. An interesting component of former Governor Shumlin's pardons is that, at the time, although Governor Shumlin had voiced his support for adult-use cannabis, cannabis was still illegal though decriminalized in Vermont.

CANNABIS JUSTICE POLICY REPORT CARD



VIRGINIA

Virginia's state policies include full legalization and a strong avenue for partially-state-initiated record clearance that is well underway. Unfortunately, the state still lacks any opportunity for cannabis-specific resentencing.

SUMMARY	
Legalization	4 / 4
Pardon Program	0 / 1
Record Clearance	7.5 / 10
Resentencing	0 / 10
TOTAL	11.5 / 25

LEGALIZATION	
POLICY	SCORE
✔ Decriminalization	1/1
✔ Medical Use	1/1
✔ Legalization (2021)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
✘ Cannabis-Specific Pardon Program	0/.5
✘ Pardon Program Use	0/.5
TOTAL	0/1

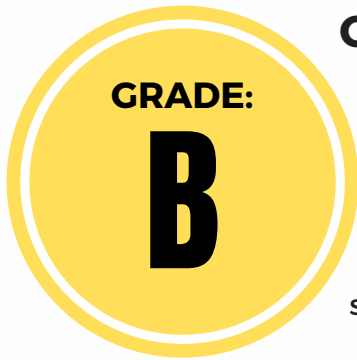
RECORD CLEARANCE	
POLICY	SCORE
✔ Cannabis-Specific Record Clearance	3/3
✔ Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SB 1406]	SCORE
⚠ State-Initiated Process Only automatic for misdemeanor offenses	1/2
⚠ Broad Eligibility Scheme Includes marijuana possession charges and certain non-violent felonies	.5/1
✘ No Waiting Period Waiting period of 7 years	0/.5
✔ No Fines and Fees Waives expungement costs	.5/.5
✔ Enforceable Timeline Has a deadline of July 2025	.5/.5
✘ Oversight and Notification	0/.5
TOTAL	7.5/10

RESENTENCING	
POLICY	SCORE
✘ Cannabis-Specific Resentencing	0/3
✘ Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
✘ State-Initiated Process	0/2
✘ Broad Eligibility Scheme	0/1
✘ No Waiting Period	0/.5
✘ Presumption of Relief	0/.5
✘ Enforceable Timeline	0/.5
✘ Oversight and Reporting	0/.5
TOTAL	0/10

IMPLEMENTATION NOTES

Record clearance implementation is well underway in Virginia, having sealed nearly 400,000 marijuana-related criminal records since the enactment of SB 1406. Notably, though Virginia passed legalization in 2021, the state is yet to set up a formal and regulated market for cannabis sales.

CANNABIS JUSTICE POLICY REPORT CARD



WASHINGTON

With full legalization, a robust pardon program, and avenues for both record clearance and resentencing, Washington offers strong avenues of relief for individuals impacted by past prohibition.

SUMMARY	
Legalization	4 / 4
Pardon Program	1 / 1
Record Clearance	6 / 10
Resentencing	6 / 10
TOTAL	17 / 25

LEGALIZATION	
POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	1/1
<input checked="" type="checkbox"/> Medical Use	1/1
<input checked="" type="checkbox"/> Legalization (2012)	2/2
TOTAL	4/4

PARDONS	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	.5/.5
<input checked="" type="checkbox"/> Pardon Program Use*	.5/.5
TOTAL	1/1

RECORD CLEARANCE	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	3/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SB 5605]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Eligible for marijuana misdemeanor charges for individuals over 21 at the time of arrest	0/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> No Fines and Fees	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5
TOTAL	6/10

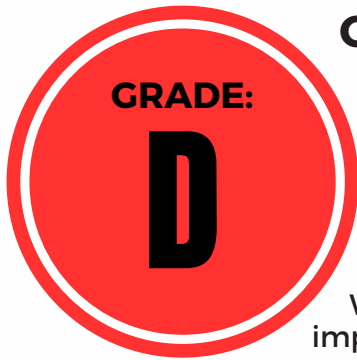
RESENTENCING	
POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SB 5361]	SCORE
<input checked="" type="checkbox"/> State-Initiated Process The prosecuting attorney must identify eligible individuals and motion for relief	2/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes all nonviolent drug offenses before July 1, 2004	1/1
<input checked="" type="checkbox"/> No Waiting Period	.5/.5
<input checked="" type="checkbox"/> Presumption of Relief	.5/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	6/10

NOTES

*In 2022, Governor Jay Inslee created the Marijuana Justice Initiative. This process allows him to pardon individuals with a sole marijuana misdemeanor between January 1998 - December 2012.

This executive action is particularly important in Washington because supreme court precedent in the states' Ishikawa ruling may restrict it from enacting state-initiated record clearance.

CANNABIS JUSTICE POLICY REPORT CARD



WEST VIRGINIA

With no full legalization, no pardon policy, no avenues for resentencing, and extremely limited avenues for record clearance, West Virginia falls behind and offers virtually no relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	1 / 4
Pardon Program	1 / 1
Record Clearance	3 / 10
Resentencing	0 / 10
TOTAL	5 / 25

LEGALIZATION	
POLICY	SCORE
⊗ Decriminalization	0/1
✓ Medical Use	1/1
⊗ Legalization	0/2
TOTAL	1/4

PARDONS	
POLICY	SCORE
⊗ Cannabis-Specific Pardon Program	0/.5
⊗ Pardon Program Use	0/.5
TOTAL	0/1

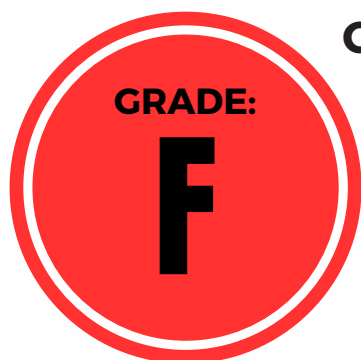
RECORD CLEARANCE	
POLICY	SCORE
⊗ Cannabis-Specific Record Clearance	0/3
✓ Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [SB 152]*	SCORE
⊗ State-Initiated Process	0/2
✓ Broad Eligibility Scheme Includes most misdemeanors and certain single, non-violent felonies	.5/1
⊗ No Waiting Period Individuals are eligible 1-5 years after a conviction or upon supervision completion	0/.5
⊗ No Fines and Fees Includes a \$100 filing fee	0/.5
✓ Enforceable Timeline Courts must respond within 60 days of filing	.5/.5
⊗ Oversight and Notification	0/.5
TOTAL	3/10

RESENTENCING	
POLICY	SCORE
⊗ Cannabis-Specific Resentencing	0/3
⊗ Other Resentencing Processes that Include Certain Cannabis Offenses	0/2
STATUTORY ASSESSMENT	SCORE
⊗ State-Initiated Process	0/2
⊗ Broad Eligibility Scheme	0/1
⊗ No Waiting Period	0/.5
⊗ Presumption of Relief	0/.5
⊗ Enforceable Timeline	0/.5
⊗ Oversight and Reporting	0/.5
TOTAL	0/10

NOTES

*While SB 152 offers an avenue for record clearance that includes relief for cannabis-related offenses, the policy was not written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the process to operate slowly and inefficiently.

CANNABIS JUSTICE POLICY REPORT CARD



WISCONSIN

With no full legalization, no pardon policy, no avenues for record clearance or resentencing, Wisconsin falls behind and offers no relief for individuals impacted by past cannabis prohibition.

SUMMARY

Legalization	0 / 4
Pardon Program	0 / 1
Record Clearance	0 / 10
Resentencing	0 / 10
TOTAL	0 / 25

LEGALIZATION

POLICY	SCORE
<input checked="" type="checkbox"/> Decriminalization	0/1
<input checked="" type="checkbox"/> Medical Use	0/1
<input checked="" type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Pardon Program	0/.5
<input checked="" type="checkbox"/> Pardon Program Use	0/.5
TOTAL	0/1

RECORD CLEARANCE

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	0/2

STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> No Fines and Fees	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Notification	0/.5

TOTAL 0/10

RESENTENCING

POLICY	SCORE
<input checked="" type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	0/2

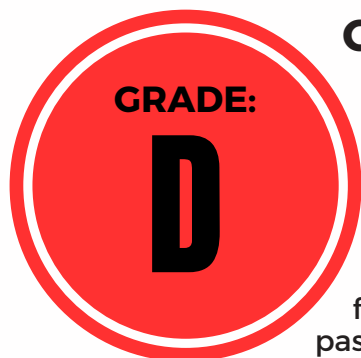
STATUTORY ASSESSMENT	SCORE
<input checked="" type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	0/1
<input checked="" type="checkbox"/> No Waiting Period	0/.5
<input checked="" type="checkbox"/> Presumption of Relief	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline	0/.5
<input checked="" type="checkbox"/> Oversight and Reporting	0/.5

TOTAL 0/10

NOTES

While Wisconsin doesn't have a formal cannabis pardon program, it is worth noting that Governor Evers reconstituted the pardon board after 9 dormant years and since then, he has granted 1,029 pardons, many of which have gone towards cannabis-related offenses. In fact, in his most recent batch of 96 pardons, more than one third of them went towards cannabis related offenses.

CANNABIS JUSTICE POLICY REPORT CARD



WYOMING

With no full legalization, no pardon policy, and extremely limited avenues for resentencing and record clearance, Wyoming falls behind and offers inadequate relief for individuals impacted by past cannabis prohibition.

SUMMARY	
Legalization	0 / 4
Pardon Program	0 / 1
Record Clearance	3 / 10
Resentencing	3 / 10
TOTAL	6 / 25

LEGALIZATION	
POLICY	SCORE
<input type="checkbox"/> Decriminalization	0/1
<input type="checkbox"/> Medical Use	0/1
<input type="checkbox"/> Legalization	0/2
TOTAL	0/4

PARDONS	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Pardon Program	0/5
<input type="checkbox"/> Pardon Program Use	0/5
TOTAL	0/1

RECORD CLEARANCE	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Record Clearance	0/3
<input checked="" type="checkbox"/> Other Record Clearance Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [WY STAT § 7-13-1501]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme Includes non-violent misdemeanor offenses and certain felonies	.5/1
<input type="checkbox"/> No Waiting Period Includes a 1-10 year waiting period	0/.5
<input type="checkbox"/> No Fines and Fees Includes a \$100 filing fee	0/.5
<input checked="" type="checkbox"/> Enforceable Timeline Any prosecutorial objection must be filed within 30 days	.5/.5
<input type="checkbox"/> Oversight and Notification	0/.5
TOTAL	3/10

RESENTENCING	
POLICY	SCORE
<input type="checkbox"/> Cannabis-Specific Resentencing	0/3
<input checked="" type="checkbox"/> Other Resentencing Processes that Include Certain Cannabis Offenses	2/2
STATUTORY ASSESSMENT [RULE 35 OF CRIMINAL PROCEDURE]	SCORE
<input type="checkbox"/> State-Initiated Process	0/2
<input checked="" type="checkbox"/> Broad Eligibility Scheme	1/1
<input type="checkbox"/> No Waiting Period Individuals must wait 1 year after sentencing	0/.5
<input type="checkbox"/> Presumption of Relief A recent state court ruling established that individuals can be denied relief without needing to disclose a reason	0/.5
<input type="checkbox"/> Enforceable Timeline	0/.5
<input type="checkbox"/> Oversight and Reporting	0/.5
TOTAL	3/10

NOTES

*While Wyoming offers an avenue for both record clearance and resentencing that include relief for cannabis-related offenses, neither policy was written for cannabis-specific relief. This unfortunately means that cannabis offenses are not expedited nor guaranteed, leaving the processes to operate slowly and inefficiently.

UNDERSTANDING THE RUBRIC

This rubric reflects the mission of Last Prisoner Project: to redress the harms of the unjust War on Drugs. Therefore, it awards points based on how broadly and effectively state policies offer relief for past cannabis offenses, primarily through record clearance and resentencing. Importantly, this report does not consider implementation in the grading because state reporting is incredibly varied, making it a skewed metric that would unfairly work against states that report data more rigorously. This means that some of the lower ranked states have effectuated more relief than some of the highest ranked ones. Therefore, **this report does not serve to broadly rank the status of cannabis justice on a state-by-state basis, but rather, the language of cannabis justice policy.**

Legalization Policy (+4)

DECRIMINALIZATION (+1)

Decriminalization of cannabis means it remains illegal, but the legal system won't prosecute a person for possession under a specified amount.

MEDICAL USE LEGALIZATION (+1)

Medical marijuana laws remove state penalties for the use of marijuana for medicinal purposes under specified conditions.

RECREATIONAL LEGALIZATION (+2)

Recreational legalization of cannabis removes legal prohibitions and often makes cannabis available to the adult general population for purchase and use. The legalization category is only worth 4 points because, while it is an integral aspect of redressing the harms of the War on Drugs, it doesn't offer relief to individuals currently suffering under past penalties.

Pardon Policy (+1)

CANNABIS-SPECIFIC PARDON PROGRAM (+.5)

A cannabis-specific pardon program entails that the Governor has set up a system to forgive individuals for past cannabis offenses so they cannot be further punished for the offense or penalized for having record of it. This category is not worth many points because it can be of minimal impact given that it doesn't effectuate release or record clearance and because it is not available to all governors, depending on state laws.

PARDON PROGRAM USE (+.5)

In many states, Governors have set up processes for cannabis pardons but have never used them, so it is important to consider the actual implementation of these programs before giving states full credit for them.

UNDERSTANDING THE RUBRIC

Record Clearance Policy (+10)

CANNABIS-SPECIFIC RECORD CLEARANCE (+3)

Cannabis specific record clearance is the process of removing a cannabis violation, arrest, or conviction from an individual's record. This category is worth many points because it is essential to mitigating the collateral consequences of a criminal record, which restricts access to housing, employment, immigration, public benefits and more.

OTHER RECORD CLEARANCE PROCESSES THAT INCLUDE CERTAIN CANNABIS OFFENSES (+2)

This category gives states credit for non-cannabis-specific avenues for record clearance that include cannabis offenses. While these policies still offer imperative relief, they do not offer an expedited or guaranteed avenue for cannabis offenses, leaving the process to operate slowly and inefficiently, therefore making it worth less points than a cannabis-specific alternative.

STATE-INITIATED PROCESS (+2)

In order for record clearance processes to offer effective and broad relief, it is imperative that it is state-initiated. This structure places the burden on the state to identify and review eligible cases rather than on individuals to petition on their own, a process that rarely yields relief because individuals are unaware of their eligibility or the process. This is the highest-weighted statutory category because it is essential to actually effectuate relief.

BROAD ELIGIBILITY SCHEME (+1)

The criteria should be clearly defined and hold a broad impact on drug offense records. In states that have decriminalized or legalized cannabis, this should include all drug offenses that now carry a lesser sentence. This includes relief for certain felony offenses and concurrent charges.

NO WAITING PERIOD (+.5)

For state-initiated systems, the process should begin immediately upon the state's identification of the eligible records. For petition-based systems, individuals should be eligible to apply for relief immediately upon enactment.

NO FINES AND FEES (+.5)

Any fines and fees associated with the expungement process should be covered by the state to ensure broad accessibility.

ENFORCEABLE TIMELINE (+.5)

There should be deadlines to efficiently review and expunge eligible records.

OVERSIGHT & NOTIFICATION (+.5)

The process should be monitored for compliance and include reporting to ensure intended impact. Notification is also essential so impacted individuals are aware they are eligible for relief or have received relief.

UNDERSTANDING THE RUBRIC

Resentencing Policy (+10)

CANNABIS-SPECIFIC RESENTENCING (+3)

Cannabis specific resentencing is the process of modifying a sentence for individuals who are incarcerated or on probation/ parole for cannabis offenses. If the court agrees that there is good cause for a sentence to be modified, it may shorten or end a sentence. This category is highly weighted because it is the most essential step in freeing individuals still being punished for the unjust prohibition of cannabis.

OTHER RESENTENCING PROCESSES THAT INCLUDE CERTAIN CANNABIS OFFENSES (+2)

This category gives states credit for non-cannabis-specific avenues for resentencing that include cannabis offenses. While these policies still offer imperative relief, they do not offer an expedited or guaranteed avenue for cannabis offenses, leaving the process to operate slowly and inefficiently, thus being worth less points than cannabis-specific resentencing avenues.

STATE-INITIATED PROCESS (+2)

In order for resentencing processes to offer effective and broad relief, it is imperative that it is state-initiated, therefore demanding 2 points. This structure places the burden on the state to identify and review eligible cases rather than on individuals to petition on their own, a process that rarely yields relief as individuals are unaware of their eligibility or the process.

BROAD ELIGIBILITY SCHEME (+1)

The criteria should be clearly defined and hold a broad impact on drug offense records. In states that have decriminalized or legalized cannabis, this should include all drug offenses that now carry a lesser sentence. This includes relief for certain felony offenses and concurrent charges.

NO WAITING PERIOD (+.5)

For state-initiated systems, the process should begin immediately upon the state's identification of the eligible individuals. For petition-based systems, individuals should be eligible to apply for relief immediately upon enactment.

PRESUMPTION FOR RELEASE (+.5)

Downward modifications to time served or reduced terms are presumed for eligible cases.

ENFORCEABLE TIMELINE (+.5)

There should be deadlines to review and offer decisions for eligible cases.

OVERSIGHT & NOTIFICATION (+.5)

The process should be monitored for compliance and include reporting to ensure intended impact. Notification is also essential so impacted individuals are aware they are eligible for relief and how to attain it.

ACKNOWLEDGEMENTS



This report was compiled by Frances Trousdale, LPP Policy Associate,


Part of LPP's policy team, **Frances Trousdale** provides nonpartisan, evidence-based assistance to jurisdictions working to advance drug reforms with retroactive relief. With a history in broader criminal justice reform work, Frances believes that drug policy has the ability to model fair and just policies and build momentum for broader justice system reforms.

As a student at Georgetown University, Frances worked to expand prison education by facilitating the Georgetown Prison Justice Initiative, expanding the bachelor program in prisons, teaching courses in local jails, and leading initiatives for prison voting and expanded rights. Joining the #CLOSErikers campaign with JLUSA in 2020, she pushed for reform in New York jails and expedited broad-scale releases for individuals particularly vulnerable to COVID-19.

Frances expanded this work to the realm of wrongful convictions, working to exonerate an individual by producing a short-form documentary, launching a social media campaign, and taking legal action, ultimately achieving the release of a wrongfully convicted individual after 37 years.

Policy research was assisted by Adrian Rocha and Frank Stiefel. Editing was provided by Stephen Post, Cam Boucher, Mary Bailey, Sarah Gersten, and Jason Ortiz.

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The logo consists of a green chain link with a lightning bolt striking through it, positioned between the words 'PRISONER' and 'PROJECT'.

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