AN ACT
RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND MARIJUANA EXPUNGEMENT ACT OF 2020

Introduced By: Representatives Williams, Craven, Almeida, Caldwell, and Alzate

Date Introduced: January 16, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby amended by adding thereto the following chapter:

CHAPTER 28.1
THE RHODE ISLAND MARIJUANA EXPUNGEMENT ACT OF 2020

This act shall be known and may be cited as the Rhode Island Marijuana Expungement Act of 2020.

21-28.1-2. Legislative findings.
(1) In 2005, Rhode Island passed the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act. Rhode Island has also decriminalized possession of one ounce (1 oz.) or less of marijuana for personal use. With the advent of different states throughout the country legalizing the legal, regulated market would benefit the state and those individuals who are inequitably being denied the opportunity to enter into the business of selling and cultivating marijuana due to prior convictions relating to possession of marijuana.

(2) Marijuana prohibition had a devastating impact on communities in Rhode Island and across the United States. Persons convicted of a marijuana offense and their families suffer the long-term consequences of conviction, including the type of repercussions in obtaining
employment and housing and generally, hindering the ability of those convicted to participate and
contribute as productive members of society.

(3) In 2013 the American Civil Liberties Union (ACLU) issued a report that addressed
marijuana possession and found that between 2001 and 2010 the racial disparity in marijuana
possession arrests varied from 2.6 to 3.6 black-to-white.

(4) In 2016 the ACLU released a national report with the Human Rights Watch that
indicated that blacks in Rhode Island were arrested for drug possession at almost three (3) times
the rate of whites in 2014 despite national studies that repeatedly show that blacks and whites
generally use drugs at roughly similar rates.

(5) The general assembly finds and declares that this chapter furthers the purposes and
intent of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act and prospectively
will reduce barriers in the future as Rhode Island contemplates legalization of marijuana.


(a) Anyone with a prior conviction for misdemeanor or felony possession of marijuana
shall be entitled to have the criminal conviction expunged pursuant to chapter 1.3 of title 12 and
any prior criminal charges and/or conviction having been expunged pursuant to the provisions of
this section shall not be used to impede a person from entering into the cannabis industry or any
government assistance programs.

(b) Any individual who has been incarcerated for misdemeanor or felony possession of
marijuana shall have all court costs waived with respect to expungement of their criminal record
under this section.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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This act would provide that past criminal misdemeanors and felonies for possession of marijuana may be expunged and the charges from said criminal act would not be used against a person from entering the cannabis industry or any government assistance programs.

This act would take effect upon passage.