

2021 -- H 5307

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- THE RHODE ISLAND MARIJUANA
EXPUNGEMENT ACT OF 2021

Introduced By: Representatives Williams, Batista, Giraldo, Morales, and Vella-
Wilkinson

Date Introduced: January 29, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 1.7

4 THE RHODE ISLAND MARIJUANA EXPUNGEMENT ACT OF 2021

5 **12-1.7-1. Short title.**

6 This act shall be known and may be cited as the "Rhode Island Marijuana Expungement
7 Act of 2021".

8 **12-1.7-2. Legislative findings.**

9 (1) In 2005, Rhode Island passed the "Edward O. Hawkins and Thomas C. Slater Medical
10 Marijuana Act". Rhode Island has also decriminalized possession of one ounce (1 oz.) or less of
11 marijuana for personal use. With the advent of different states throughout the country legalizing
12 marijuana, the general assembly finds that regulating it in a way that reduces barriers to entry into
13 the legal, regulated market would benefit the state, and that some persons are inequitably being
14 denied the opportunity to enter into the business of selling and cultivating marijuana due to prior
15 convictions relating to possession of marijuana.

16 (2) Marijuana prohibition had a devastating impact on communities in Rhode Island and
17 across the United States. Persons convicted of a marijuana offense and their families suffer the
18 long-term consequences of conviction, including the type of repercussions in obtaining

1 employment and housing and generally, hindering the ability of those convicted to participate and
2 contribute as productive members of society.

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

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

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

13 **12-1.7-3. Automatic expungement of marijuana related convictions.**

14 (a) Any person with a prior conviction for misdemeanor or felony possession of marijuana
15 shall be entitled to have the criminal conviction automatically expunged, notwithstanding the
16 provisions of chapter 1.3 of title 12. No prior criminal charge and/or conviction having been
17 expunged pursuant to the provisions of this section may be used to impede a person from entering
18 into the cannabis industry or any government assistance programs. The expungement shall be at no
19 cost to the individual.

20 (b) Any person who has been incarcerated for misdemeanor or felony possession of
21 marijuana shall have all court costs waived with respect to expungement of his or her criminal
22 record under this section.

23 (c) Records shall be expunged pursuant to the procedures set forth in this chapter in
24 accordance with the following timelines:

25 (i) Records created prior to the effective date of this chapter, but on or after January 1,
26 2014, shall be automatically expunged January 1, 2022;

27 (ii) Records created prior to January 1, 2014, but on or after January 1, 2001, shall be
28 automatically expunged January 1, 2024;

29 (iii) Records created prior to January 1, 2001, shall be automatically expunged prior to
30 January 1, 2026.

31 (d) Nothing in this section shall be construed to restrict or modify a person's right to have
32 their records expunged, except as otherwise may be provided in this chapter, or diminish or
33 abrogate any rights or remedies otherwise available to the individual;

34 (e) The Rhode Island attorney general in consultation with the Rhode Island state police

1 [and the municipal police departments of the state is hereby authorized to promulgate any and all](#)
2 [rules and regulations necessary to carry out the provisions of this section.](#)

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- THE RHODE ISLAND MARIJUANA
EXPUNGEMENT ACT OF 2021

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

4 This act would take effect upon passage.

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