

SENATE – SUPPORT AB 1793 (BONTA)

Coauthors: Assembly Members Gonzalez-Fletcher and Quirk; and Senators Skinner and Wiener

Automatically Remove or Reduce Past Cannabis Convictions

AB 1793 (Bonta) removes barriers to housing, employment and public benefits by creating a simpler pathway for Californians to have certain criminal convictions for cannabis-related offenses removed from or reduced on their records.

The bill would require the Department of Justice to review the records in the state database by July 1, 2019 and identify past convictions that are potentially eligible for dismissal of sentence or redesignation. The DOJ will notify prosecutors of all cases in their jurisdiction that are eligible, and prosecutors will have until July 1, 2020 to challenge the dismissal or redesignation. Public defenders are required to attempt to contact anyone whose case is being challenged.

BACKGROUND AND NEED FOR THE BILL

In November 2016, 57 percent of California voters approved Proposition 64: The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA/“Prop. 64”), which legalized the adult use of cannabis. Prop. 64 contained provisions that not only reduced or eliminated many cannabis law violations, but made those changes retroactive. Under the law, people with certain felonies or misdemeanors on their records are now legally entitled to petition the courts to expunge or reduce their cannabis convictions. Some offenses that were crimes are now legal, including possession of up to an ounce of cannabis and growing up to six cannabis plants for personal use.

Nearly one million people in California are estimated to have cannabis convictions eligible to be reduced or expunged from their records. But as of September, 2017, only 4,885 people have petitioned to the courts to have their records modified. Many people are unaware of the newly created opportunity to change their records, are unsure of how to navigate the process on their own, or do not have access to free legal resources to engage in the process.

Penalties for cannabis-related offenses have disproportionately affected minority communities. While black, Latino, and white people use and sell cannabis at similar rates, black and Latino people are more likely to be arrested for a cannabis law violation and have their lives impacted by a cannabis conviction than are whites.

Adjusting records could have a significant impact on peoples’ lives. Felonies and misdemeanors create thousands of barriers to employment, housing, public benefits and more. Many low-income communities and people of color have been disproportionately criminalized by the drug war and have had to live with the ramifications. Now that California has legalized adult-use cannabis, the state should provide people with the relief they deserve and are legally entitled.

AB 1793 will offer almost one million people negatively impacted by the drug war a chance to reclaim their lives.

CALIFORNIA CITIZEN LOBBY DAY 2018

Constituent Comments

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