

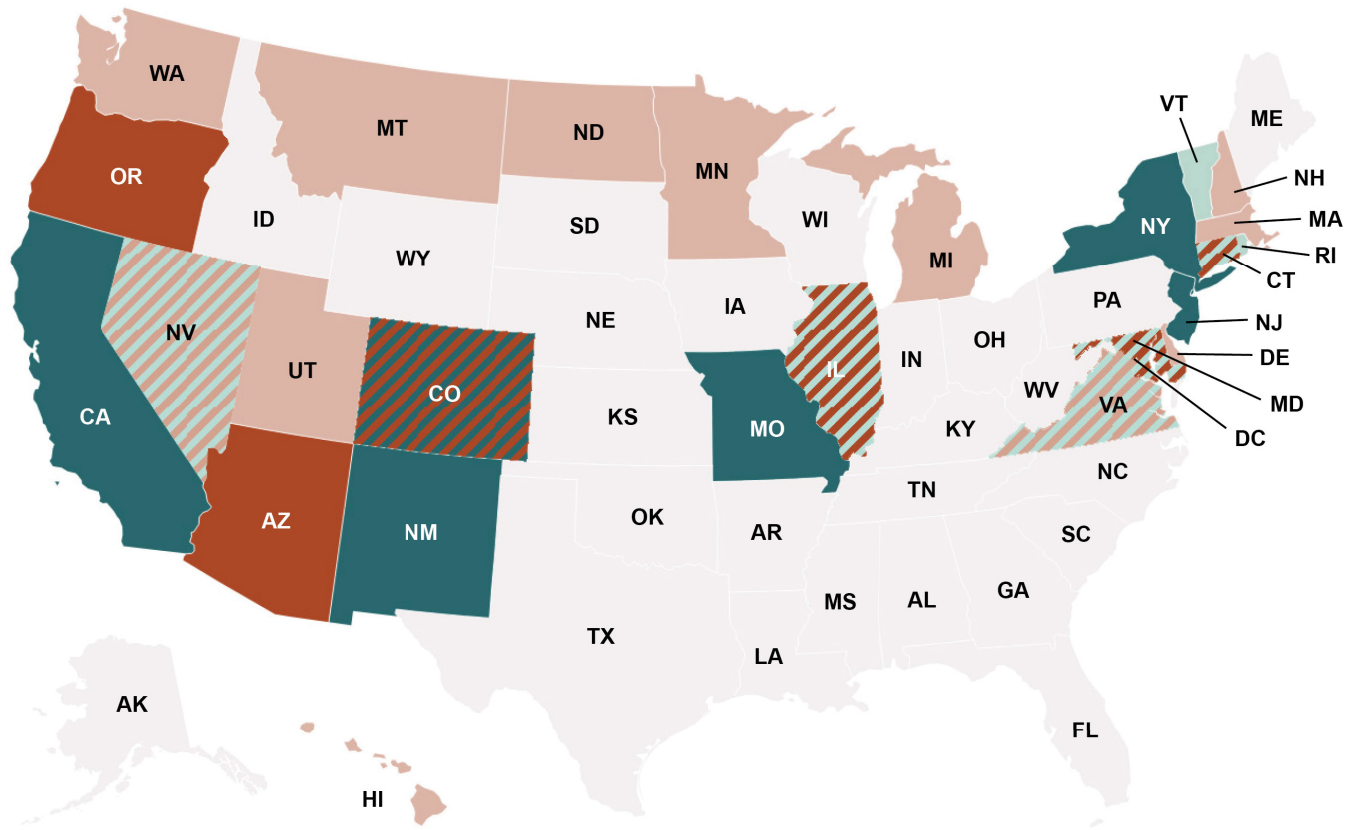
# Marijuana Legalization and Record Clearing in 2022

Sealing or expungement of past convictions has come to be recognized as an important part of marijuana reform, and legalization now generally includes some record-clearing relief for those whose offense conduct is no longer criminal. The approach to marijuana record clearing in the past several years combines substantive improvement (a broader range of offenses) with procedural improvement (automatic relief) when compared to earlier marijuana-specific reforms that typically covered very low-level possession offenses and required the filing of a court petition to obtain relief.

## Marijuana Record Clearing Laws

State laws specifically authorizing expungement or sealing of marijuana convictions





■ Broader Automatic Relief 
 ■ Limited Automatic Relief 
 ■ Broader Relief by Petition 
 ■ Limited Relief by Petition



Note: Categories assigned do not consider general record relief that may cover marijuana convictions along with other convictions

Map: Drug Enforcement and Policy Center • Source: Collateral Consequences Resource Center • Created with Datawrapper

## Record Clearing Reforms via Legalization: Late 2021 through 2022

State	Automatic	Petition	Reform
Connecticut 	Limited Automatic Relief	Broad Petition Relief	The marijuana legalization law enacted in late 2021, SB 1201, authorized automatic “erasure” for felony and misdemeanor convictions for possessing up to four ounces of marijuana between 2000 and 2015 (the year of decriminalization), while petition-based relief was authorized for convictions for possession or possession with intent to distribute four ounces or less of cannabis after 2015. (Erasure of post-2000 convictions, including convictions for possession of four ounces or less of marijuana, was made automatic after a 5- or 10-year waiting period by the Connecticut Clean Slate law, SB 1019, signed 10 days before SB 1201.) In both cases, the law authorizes partial erasure of electronic records in cases including counts other than possession of marijuana. Petition based relief is effective July 1, 2022, and automatic relief is effective Jan. 1, 2023 (SB 1201).
Maryland 	Limited Automatic Relief*	Broad Petition Relief	A 2022 ballot initiative legalized personal use amounts of marijuana (1.5 ounces), and a statute enacted contingent on adoption of the initiative shortened waiting periods for petition-based expungement of misdemeanor and felony marijuana convictions. A person may petition for expungement of a misdemeanor possession conviction for “personal use” amount of up to 1.5 ounces upon completion of sentence (Md. Code Ann., Crim. Law §§ 10-105(a)(12),105(c)(8)); and of possession of “civil use” amounts (misdemeanor or felony) of up to 2.5 ounces three years after completion §§110(a)(1)(viii), 10-110(a)(2)(iii). Also, in 2022 a new § 10-112 directed the Department of Public Safety to automatically expunge conviction records in the central repository for convictions for cannabis possession that are no longer criminal obtained prior to July 1, 2023, where the cannabis charges are the only charges in the case (court records may be expunged only pursuant to the petition process described above). *Law enforcement records of decriminalized conduct only.
Missouri 	Broad Automatic Relief	None	A 2022 ballot initiative (Section 2, subsection 10) removed bans on purchase, possession, or consumption of up to three ounces of marijuana by adults at least 21 years of age; provided civil penalties for those under 21; provided civil penalties for possession and distribution of up to six ounces, with third offense a misdemeanor. The initiative also authorized vacatur and expungement by petition for those currently incarcerated for offenses that are no longer criminal and for offenses involving up three pounds of marijuana, with certain exceptions (violence, delivery to a minor and marijuana-related traffic offenses); automatic vacatur and expungement for those currently under supervision for the same offenses, excepting only delivery to a minor and marijuana-related traffic offenses; and, automatic expungement of all misdemeanor marijuana convictions, and of most felony marijuana convictions, upon completion of sentence. See Initiative No. 3, Sec. 2, Subs.10(7) and (8).
Rhode Island 	Limited Automatic Relief	None	Effective May 25, 2022, the Rhode Island Cannabis Act, S2430, authorized automatic expungement of any conviction for cannabis possession, use or purchase legalized by the Act (1 oz. or less anywhere, 10 oz. within the home), no later than July 2024. R.I. Gen. Laws §12-1.3-5. Waives expungement costs for anyone who has been incarcerated due to a marijuana conviction. Expungement is available notwithstanding previous convictions, additional convictions in other counts in the same case, pending criminal proceedings, and outstanding court costs and fees.