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**TESTIMONY IN SUPPORT OF 20-H 7141,
THE RI MARIJUANA EXPUNGEMENT ACT OF 2020
March 4, 2020**

This bill would authorize the expungement of any criminal convictions relating to the possession of marijuana. If the General Assembly decides to pass a version of the Governor's budget article legalizing marijuana in the state, the ACLU of RI believes passage of this bill should be part of the package.

The presence of a criminal record can have severe consequences for individuals. Among other things, it can make it much more difficult for them to find employment, disqualify them from a range of occupational licenses from the state, and prevent them from obtaining housing. Particularly for the crime of marijuana possession – a crime that a major Presidential commission over 40 years recommended be abolished – this impact is distressing. It is even more distressing when one considers, as the legislation notes, the undeniable racial disparities in the enforcement of the marijuana criminal laws in Rhode Island and across the country. It is particularly unconscionable to burden these individuals with a criminal record for a crime that was not only victimless to start with, but for a crime that the legislature determines is a non-criminal offense altogether.

We note that the legislation refers only to "convictions." It should be amended to clarify that it applies to voluntary pleas as well. In that regard, some opponents of this legislation may claim that a person who has pled to a marijuana possession charge may have been charged with more serious marijuana crimes, such as delivery. But if their criminal record consists solely of a possession offense, it is no business of the state to essentially renege on a plea deal and claim the crime was more serious than it appears on the person's record and, therefore, somehow not deserving of expungement.

The bottom line: no person should have to carry around a criminal record for an activity that the legislature has concluded really should not be a crime. For all these reasons, the ACLU of Rhode Island supports this legislation in conjunction with the passage of marijuana legalization legislation, and we encourage the committee to do the same.