

House Bill 387

By: Representatives Alexander of the 66th, Mitchell of the 88th, Frye of the 122nd, Roberts of the 52nd, McClain of the 109th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-30 of the Official Code of Georgia Annotated, relating to
2 purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana
3 and penalties, so as to codify the proclamation by the Office of the President of the United
4 States that would grant a pardon and restore full political, civil, and other rights regarding
5 the offense of simple possession of marijuana; to provide for limitations; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 16-13-30 of the Official Code of Georgia Annotated, relating to purchase,
10 possession, manufacture, distribution, or sale of controlled substances or marijuana and
11 penalties, is amended by adding a new subsection to read as follows:

12 "(j.1)(1) Except as provided under paragraph (1) of subsection (j) of this Code section,
13 the proclamation enacted by the Office of the President of the United States shall govern
14 the simple possession of marijuana, pursuant to the grant of authority in Article II,
15 Section 2, of the Constitution of the United States, and such office does hereby grant a
16 full, complete, and unconditional pardon to (1) all current United States citizens and

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17 lawful permanent residents who committed the offense of simple possession of marijuana
18 in violation of the Controlled Substances Act, as currently provided by Code Section
19 16-13-30, on or before the date of this proclamation, regardless of whether they have
20 been charged with or prosecuted for this offense on or before the date of this
21 proclamation; and (2) all current Georgia citizens and lawful permanent residents who
22 have been convicted of the offense of simple possession of marijuana in violation of the
23 Controlled Substances Act, as currently provided by Code Section 16-13-30; which
24 pardon shall restore to them full political, civil, and other rights.

25 (2) The proclamation is to pardon only the offense of simple possession of marijuana in
26 violation of Code Section 16-13-30, and not any other offenses related to marijuana or
27 other controlled substances. No language herein shall be construed to pardon any person
28 for any other offense, including possession of other controlled substances, whether
29 committed prior, subsequent, or contemporaneous to the pardoned offense of simple
30 possession of marijuana. This pardon does not apply to individuals who were
31 non-citizens not lawfully present in the United States at the time of their offense.

32 (3)(A) Pursuant to this proclamation, the State Board of Pardons and Paroles shall
33 administer and effectuate the issuance of certificates of pardon to eligible applicants
34 who have been charged or convicted for the offense of simple possession of marijuana
35 in violation of the Controlled Substances Act, as provided by Code Section 16-13-30.

36 (B) The State Board of Pardons and Paroles is directed to develop and announce
37 application procedures for certificates of pardon and to begin accepting applications in
38 accordance with such procedures as soon as reasonably practicable. The State Board
39 of Pardons and Paroles shall review all properly submitted applications and shall issue
40 certificates of pardon to eligible applicants in due course."

41 **SECTION 2.**

42 All laws and parts of laws in conflict with this Act are repealed.