

2019 -- H 6066

LC002445

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND MARIJUANA
EXPUNGEMENT ACT OF 2019

Introduced By: Representatives Williams, Vella-Wilkinson, Slater, Craven, and
Blazejewski

Date Introduced: May 03, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 28.10

4 THE RHODE ISLAND MARIJUANA EXPUNGEMENT ACT OF 2019

5 **21-28.10-1. Short title.**

6 This act shall be known and may be cited as the Rhode Island Marijuana Expungement
7 Act of 2019.

8 **21-28.10-2. Legislative findings.**

9 The general assembly finds and declares the following:

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

17 (2) Marijuana prohibition had a devastating impact on communities in Rhode Island and
18 across the United States. Persons convicted of a marijuana offense and their families suffer the

1 long-term consequences of conviction, including the type of repercussions in obtaining
2 employment and housing and generally, hindering the ability of those convicted to participate and
3 contribute as productive members of society.

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

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

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

14 **21-28.10-3. Expungement of marijuana related convictions.**

15 (a) Anyone with a prior conviction for misdemeanor or felony possession of marijuana
16 shall be entitled to have the criminal conviction expunged pursuant to chapter 1.3 of title 12.

17 (b) Any individual who has been incarcerated for misdemeanor or felony possession of
18 marijuana shall have all court costs waived with respect to expungement of their criminal record
19 under this section.

20 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 FOOD AND DRUGS -- THE RHODE ISLAND MARIJUANA
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- 1 This act would entitle that past criminal misdemeanors and felonies for possession of
2 marijuana may be expunged.
3 This act would take effect upon passage.

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