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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND MARIJUANA  
EXPUNGEMENT ACT OF 2020

Introduced By: Representatives Williams, Craven, Almeida, Caldwell, and Alzate

Date Introduced: January 16, 2020

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 28.11

4 THE RHODE ISLAND MARIJUANA EXPUNGEMENT ACT OF 2020

5 **21-28.11-1. Short title.**

6 This act shall be known and may be cited as the Rhode Island Marijuana Expungement  
7 Act of 2020.

8 **21-28.11-2. Legislative findings.**

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

16 (2) Marijuana prohibition had a devastating impact on communities in Rhode Island and  
17 across the United States. Persons convicted of a marijuana offense and their families suffer the  
18 long-term consequences of conviction, including the type of repercussions in obtaining

1 employment and housing and generally, hindering the ability of those convicted to participate and  
2 contribute as productive members of society.

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

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

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

13 **21-28.11-3. Expungement of marijuana related convictions.**

14 (a) Anyone with a prior conviction for misdemeanor or felony possession of marijuana  
15 shall be entitled to have the criminal conviction expunged pursuant to chapter 1.3 of title 12 and  
16 any prior criminal charges and/or conviction having been expunged pursuant to the provisions of  
17 this section shall not be used to impede a person from entering into the cannabis industry or any  
18 government assistance programs.

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

22 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  
EXPUNGEMENT ACT OF 2020

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1           This act would provide that past criminal misdemeanors and felonies for possession of  
2 marijuana may be expunged and the charges from said criminal act would not be used against a  
3 person from entering the cannabis industry or any government assistance programs.

4           This act would take effect upon passage.

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