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## **ACLU OF RI POSITION: SUPPORT**

### **TESTIMONY IN SUPPORT OF 21-H 5103, RELATING TO IDENTIFICATION AND APPREHENSION OF CRIMINALS AND 21-H 5307, THE RI MARIJUANA EXPUNGEMENT ACT OF 2021 March 3, 2021**

These bills would authorize the expungement of any criminal convictions relating to the possession of marijuana. The ACLU of Rhode Island supports this effort, particularly in recognition of the likely passage of legislation this year legalizing marijuana in the state.

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 H-5307 notes in its legislative findings, 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 to “convictions.” We urge an amendment to clarify that the expungement 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 and that will likely soon be available for any adult in the state to possess. For all these reasons, the ACLU of Rhode Island supports this legislation, and we urge the committee to do the same.