Testimony from Gracie Johnson  
State Policy Director  
Last Prisoner Project

RE: Last Prisoner Project Calls on New Hampshire to Prioritize Criminal Justice Measures in HB 639 This Session

April 20, 2023

Dear Members of the Senate Judiciary Committee,

When a state legalizes adult-use cannabis, it is acknowledging that public interest has shifted on the criminalization of cannabis. The magnitude of this shifting perception is clear in the landscape of national legalization, as adult-use cannabis is now legal in 21 states. However, simply repealing the prohibition of cannabis is insufficient: millions of individuals across the U.S. still bear the lifelong burden of having a cannabis record, and tens of thousands are actively serving sentences for cannabis-related convictions.

While LPP was thrilled to see that HB 639 includes an avenue to vacate specific pending cannabis charges, we urge the legislature to go further. Upon analyzing HB 639, we understand that because prosecutors file cannabis-related charges under a wide variety of criminal statutes, identifying these cases and offering relief to these individuals is a difficult task. As a policy organization that specializes in providing technical assistance to offer relief for individuals harmed by past cannabis prohibition, we would like to offer our expertise in overcoming these identified obstacles. With this assistance in mind, we encourage the General Court of New Hampshire to ensure that HB 639 provides avenues for retroactive relief through state-initiated record clearance and resentencing.

State-initiated record clearance is an evidence-based policy that is key to redressing the lasting harm caused by cannabis criminal records and the significant and lingering barriers they impose to success. The negative effects of a criminal record on an individual’s life are well-documented. Even minor offenses, such as nonviolent drug possession, carry lifelong consequences that can impact an individual’s access to employment, housing, voting, financial stability, social assistance programs, and other opportunities, despite the debt that has already been paid to society. State-initiated record clearance is a process in which local and state agencies identify and clear eligible records, with no action or payment required by the record holder.
State-initiated resentencing is another cornerstone of comprehensive cannabis policy. The War on Drugs and the criminalization of cannabis-related activities have created a racially inequitable criminal legal system where people of color are nearly four times more likely than their white counterparts to be arrested for cannabis, despite similar consumption rates. Requiring New Hampshire courts to reconsider cannabis-related sentences upon prohibition’s repeal provides a pathway to relief for individuals whose continued incarceration will no longer be in the interests of justice.

We urge the General Court of New Hampshire to ensure that HB 639 include a state-initiated record clearance process for cannabis records and guarantee the reconsideration of cannabis-related sentences in light of prohibition’s repeal. It is essential that New Hampshire’s legalization allows those trapped in jails, prisons, or on supervision for cannabis-related activities to have a fair pathway to relief.

About Last Prisoner Project
The Last Prisoner Project, 501(c)(3), is a national nonpartisan, nonprofit organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP’s team of policy experts works to redress the past and continuing harms of unjust cannabis laws. We are committed to offering our technical expertise to ensure a successful and justice-informed pathway to cannabis legalization in New Hampshire.