When a state legalizes adult-use cannabis, it is acknowledging that public interest has shifted on the criminalization of cannabis. However, tens of thousands are still incarcerated for cannabis-related convictions. In order to adequately address the past harms of cannabis criminalization, legalization must provide retroactive relief resentencing.

By instructing the state to reconsider cannabis-related sentences in light of cannabis prohibition’s repeal, this policy provides a pathway to relief for individuals whose continued incarceration is, given legalization, no longer in the interests of justice.

**WHAT IS RESENTENCING?**

- Resentencing, or sentence modification, is the process of modifying a criminal sentence for individuals who are currently incarcerated or on probation/parole.
- If the court agrees that there is good cause for an individual’s sentence to be modified, the court may shorten or end the sentence.

**THE GOLD STANDARD**

- **State-Initiated Process**: Government agencies identify eligible cases and initiate their review.
- **Broad Eligibility Scheme**: All cases involving cannabis, not only now-legal offenses, are included for levels of relief.
- **Presumption for Release**: Downward modifications, to time served or reduced terms in appropriate cases, are presumed.
- **Clear Guidance**: Guidance for judicial decisions is clear, and influence from other stakeholders is limited.
- **Enforceable Timelines**: Deadlines for the review, decision, and potential release are enforced.
- **Oversight & Reporting**: The process is monitored for compliance, with transparent data reporting to ensure intended impact.