

STATE POLICY PRIORITIES

WHAT IS LEGALIZATION?

- State removal of most criminal penalties for activities involving cannabis *and* replacement of most penalties with regulations on commercial cannabis activity.
- As of Fall 2022, 19 states & DC have passed cannabis legalization for adult use.

HOW SHOULD IT BE IMPLEMENTED?

- Implementing a commercial market for cannabis is only part of legalization.
- States must also include *government-initiated* (automatic) processes for retroactive legal relief, with *broad eligibility* for those criminalized by prohibition.
- Though 19 jurisdictions & Washington DC have passed some level of retroactive relief, only 8 states have included elements that are government-initiated thus far.

RETROACTIVE RELIEF COMPONENTS:

RESENTENCING

Resentencing -- which involves individuals still serving their sentence -- can result in the reduction of a criminal sentence. Policies should have the following components

- **AUTOMATIC PROCESS**
- **BROAD ELIGIBILITY SCHEME**
- **PRESUMPTION FOR RELEASE**
- **CLEAR GUIDANCE**
- **ENFORCABLE TIMELINES**
- **OVERSIGHT & REPORTING**

RECORD CLEARANCE

Record clearance -- which involves individuals who have finished serving their sentence -- removes a specific event from an individuals' criminal record. Policies should have the following components

- **AUTOMATIC PROCESS**
- **BROAD ELIGIBILITY SCHEME**
- **NO WAITING PERIOD**
- **NO DISCRETIONARY REVIEW**
- **OVERSIGHT & REPORTING**