



Testimony from Gracie Johnson
State Policy Director
Last Prisoner Project

RE: Last Prisoner Project Calls on Maryland Legislature to Expand Expungement Opportunities in SB 88

February 1, 2023

Dear Members of the Judicial Proceedings 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.

We applaud the state of Maryland for including provisions to provide limited automatic record clearance for possession offenses as part of legalization, and are encouraged to see that Maryland is working to further confront the injustice wrought by prohibition policies. As SB 88 affirms, state-initiated record clearance is an evidence-based policy that is key to redressing the lasting harm caused by cannabis criminal records and the 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.

For these reasons, LPP offers its support of SB 88, particularly in light of its state-initiated process and clear timeline. Yet, given the importance and impact of record clearance, we urge the legislature to go further. We encourage SB 88 to offer a broader eligibility scheme that goes beyond possession, ensures no waiting period, and enacts more rigorous oversight requirements.

Additionally, LPP encourages the legislature to consider state-initiated resentencing as 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 Maryland 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 implore the committee to amend SB 88 by expanding its record clearance eligibility and guaranteeing the reconsideration of cannabis-related sentences. It is essential that Maryland allows those trapped in jails, prisons, or on supervision for cannabis-related activities to have a fair pathway to relief, and we offer LPP's expertise on how to do so. Thank you for your consideration.

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 Maryland.