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Joint Committee on Federal Relations



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The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jeff Waldstreicher
Senate Bill 88 – Criminal Procedure – Automatic Expungement – Pardoned Conviction of Possession of Cannabis (Pardons for Simple Possession of Cannabis Act of 2023)

February 2, 2023

Chairman Smith & Members of the Judicial Proceedings Committee:

This past year, there were two big developments in cannabis policy. First, President Biden announced a federal pardon for everyone who had been convicted of simple possession of marijuana. Second, Maryland voters approved a ballot measure to legalize small amounts of adult-use cannabis. Maryland joined several states across the country in doing so.

No doubt, passage of this ballot measure was a great step forward – but there is still work to be done. President Biden’s historic pardon applies only to those who have *federal* convictions. The overwhelming majority of simple-possession convictions are at the *state* level, however.

As you may know, this Administration has indicated that it may follow President Biden’s lead and pardon all Marylanders simple possession of marijuana convictions. That got me curious about a question that is at the core of this legislation:

Does a pardoned offense automatically get expunged? If the answer is no, this could result in an untenable policy result. Imagine having a simple possession of marijuana conviction from two decades ago. You then receive a full pardon from the Governor of the State of Maryland. Later, you apply for a job, believing your record to be clear. But the employer brings up the conviction in the interview and suddenly your job prospects are dramatically dimmed.

In my research, that’s exactly what I found. In other words, in Maryland pardons don’t automatically trigger expungements. They are separate concepts and don’t travel together. And the that will cause unnecessary pain and confusion when it comes to those applying for employment, credit, or housing.

Senate Bill 88 would solve this issue by automatically expunging the records of all Marylanders who are pardoned by the Governor for simple possession of marijuana convictions—and only such convictions. Under this bill, individuals would be granted automatic relief—they wouldn’t have to wait for years to see if they are eligible, and they wouldn’t need to petition a court.

In sum, the Pardons for Simple Possession of Cannabis Act of 2023 is a narrow, restorative bill that rationalizes our pardon policy with our expungement policy. For these reasons, I respectfully urge a favorable report on Senate Bill 88.

Very truly yours,

A handwritten signature in black ink, reading "Jeff Waldstreicher". The signature is written in a cursive, flowing style with a prominent initial "J" and "W".

Senator Jeff Waldstreicher