



Proposed State Law Would Automatically Clear Thousands of Cannabis Convictions in 2019

By Julia Baum



AB 1793 would make it easier for people to expunge their marijuana record.

Thousands of weed-related convictions may be automatically overturned throughout California next year after lawmakers ushered through a bill ordering a review of criminal records with old marijuana charges that are eligible for reduction or expungement.

Some Californians have been able to wipe their slate clean of certain low-level, nonviolent pot offenses since 2016 thanks to Prop. 64 but not done so for a number of reasons addressed by

AB 1793, which passed the state Senate last week.

“Long after paying their debt to society, people shouldn’t continue to face the collateral consequences like being denied a job or housing because they have an outdated conviction on their record,” said bill author and Assemblyman Rob Bonta (D-Alameda).

The state Department of Justice now has until July 1, 2019, to “search their criminal record database to identify all

It was really a hodgepodge system for a while,” said attorney Ashley Bargaquist with Bay Area law firm Tully and Weiss, which handles everything from clients facing cannabis-related charges to cannabis policy. “There was this period in which there were no uniform forms available from the state; a lot of local jurisdictions, a lot of counties provided their own.

Californians potentially eligible for reduction or expungement” and provide that information to the district attorney for review.

Petitioners currently must submit their request in the county where the conviction was filed, even if it’s hundreds of miles away or they had charges in several counties. But AB 1793 is a sort of stoner’s due that changes all of that by eliminating the hassle of finding past cases or filling out and filing paperwork at the courthouse.

“It was really a hodgepodge system for a while,” said attorney Ashley Bargaquast with Bay Area law firm Tully and Weiss, which handles everything from clients facing cannabis-related charges to cannabis policy. “There was this period in which there were no uniform forms available from the state; a lot of local jurisdictions, a lot of counties provided their own.”

A standard form is already available from the California Judicial Branch website and “should work for just about everybody, everywhere,” according to Bargaquast, but petitioning for a record change can be “really intimidating” for some folks, especially those who are unfamiliar with or distrustful of a system that’s harmed them before.

“The idea of going voluntarily and being there, not knowing

what the process will be, not being comfortable speaking to a judge, it can be a really intimidating process,” Bargaquast said.

But the outcome can be worth the trouble; records can be sealed, essentially erasing all traces of a criminal past and opening doors to a better future. Bargaquast recommends that those who can’t hire lawyer should get copies of all their old records, including case numbers and background checks, then carefully filling out the necessary forms that can be found online here. The judicial website also has proof of service forms available along with other information about Prop. 64 like record sealing. ■