

Will Michigan Become the Latest State to Wipe Out Cannabis Convictions?

A proposed Michigan law would expunge criminal records for misdemeanor marijuana charges.

August 1, 2019 4 min read

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Saying he wants to allow people to “move on with their lives,” Jeff Irwin, a Michigan state senator from Ann Arbor, has introduced a bill that would allow the state to expunge the arrest records of state residents on misdemeanor marijuana use and possession charges.

The measure continues a trend that is spreading across the country in which social justice has become a component of marijuana legalization. Most recently, New York Governor Andrew Cuomo signed legislation that decriminalizes marijuana possession in that state and wipes certain convictions from a person’s criminal record.

Related: New York Governor Signs Bill Decriminalizing Cannabis Possession

If passed, the Michigan bill would automatically clear criminal records for more than 235,000 Michigan residents without requiring them to contact the court system. That’s an important facet of the measure, as few people seek expungement of criminal records even when they are eligible because the process is expensive, long and uncertain.

In a statement, Senator Irwin said automatic expungement is also important because “many people can’t afford an attorney or the legal fees associated with an application. Cannabis is now legal in Michigan and petty offenses in the past should be no barrier to getting back to work or school.”

State voters approved making recreational cannabis legal in November 2018. Sales are expected to begin in early 2020.

Impacting people’s future

Irwin told the Detroit Free Press that the expungement job could be done using digital records kept through the state police. “We would go in through the Michigan State Police’s database and make changes to records electronically and administratively without having to go through all the time and expense of going through the courts,” he said.

Irwin said the measure is important because it could impact the life of “a large number of people in Michigan.” He said that those who have misdemeanor marijuana use or possession charges can find it hard to apply for jobs or student loans.

In those situations, Irwin said, a simple misdemeanor weed arrest could impact their future. Gov. Gretchen Whitmer has said that people should not have “a lifelong record” for doing something that is now considered legal.

That’s a feeling shared with many across the country. In San Francisco, coders have volunteered to help authorities go through files and expunge the records of those arrested for using a drug that is now legal in the state.

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Social justice and marijuana

The social justice movement as it relates to marijuana legalization revolves around the fact that War on Drugs-era laws disproportionately impacted those living in minority communities.

In addition to what is happening in San Francisco and California, social justice issues were also a big part of the legalization effort considered by New Jersey lawmakers earlier this year. Differences in how to approach the issue are part of what kept legalization from getting approved in the Garden State.

Generally, in addition to expunging the records of those arrested on misdemeanor marijuana charges, other parts of the country have also set aside a percentage of licenses to go to those dispensaries that have minority owners.

Studies have shown the impact on minority communities by the War on Drugs, which started in the 1970s under President Richard Nixon. They also show the problem has continued. For example, an American Civil Liberties Union study down with the Drug Policy Alliance found black people still have a 3.76 percent higher chance of being arrested on marijuana-related charges than white people.

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