



north carolina
**JUSTICE
CENTER**

Cannabis, Criminal
Justice Implications &
Expunctions
Fair Chance Criminal
Justice Project

Today's Drug Policies are a Remnant of the War on Drugs

- Major contributor to mass incarceration
- Harsh consequences for Black and brown folks for cannabis possession¹:
 - Black person 3.64 x more likely to be arrested for possession than a white person
 - Roughly 6,000 deportations each year
- Arrest and deportation rates disproportionate to reported use²:
 - 49% white
 - 42% Black
 - 32% Latinx

Lasting Impacts of the War on Drugs

Collateral Consequences
of Current Drug Policies

SNAP Felony Ban

Drug Tax

Going Beyond Legalization & Decriminalization

Pursue

Pursue broader reforms to ensure that harms of the war on marijuana do not materialize in new ways post-legalization¹

Offer

Offer expunction and resentencing for past convictions

Eliminate

Eliminate the remnants of the war on drugs, including

- Drug Tax
- SNAP felony ban

Ensure

Ensure more effective regulations for law enforcement

NC Criminal Record Expunction Considerations

- NC Second Chance Act³
 - Multiple non-violent misdemeanor convictions are expunction eligible after 5 years (1) and 7 years (multiple)
- Expand Expunction Eligibility Act⁴
 - Up to 3 non-violent felony convictions eligible for expunction after 10 years (1) and 20 years (2-3)

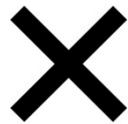
Most drug convictions are considered non-violent, so a Marijuana-related conviction is likely eligible with some exceptions⁵

- A-G Felonies and A1 misdemeanors
- Any felony offense in Chp. 90 of Gen. Stat where offense involves methamphetamines, heroin, or possession with intent to sell or deliver cocaine, with some narrow exceptions
- Juvenile A-G felonies

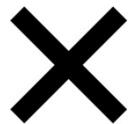
NC
Compassionate
Care Act
(Senate Bill 711
Proposed 2021-
2022 Session)



Allows legal access to medical marijuana for individuals with major health conditions



Creates a blanket ban on individuals with history of certain criminal convictions



Criminalizes marijuana by creating new offenses for marijuana possession

Recommendations for Best Practices

Follow	Do Not Allow	Do Not Forget
<p data-bbox="205 802 632 1019">Follow the model of Raise the Age Parity Expunctions/Second Chance Act⁵</p> <ul data-bbox="205 1052 674 1192" style="list-style-type: none"><li data-bbox="205 1052 674 1094">• Automated expunction OR<li data-bbox="205 1105 674 1192">• Robust, petition-based system	<p data-bbox="814 802 1276 906">Do not allow for more criminalization</p>	<p data-bbox="1419 802 1881 964">Do not forget those who have been a part of the legacy market</p>

Sources

1. [A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform, ACLU](#)
2. [Cannabis & Racial Justice, Marijuana Policy Project](#)
3. [NC Second Chance Act, Session Law 2020-35](#)
4. [Expand Expunction Eligibility Act, Session Law 2021-118](#)
5. [NC Gen. Stat. 15A-145.5; NC Gen. Stat. 15A-145.8A](#)