

Testimony Before the Minnesota House

Public Safety and Criminal Justice Reform

Committee HF 1355



Prepared for: Minnesota House Public Safety and Criminal Justice Reform Committee

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To Whom it May Concern,

Thank you for the chance to comment on HF1355.

Reason Foundation supports efforts to increase access to economic and social opportunity through the decriminalization of cannabis and expungement of low level offenses.

Since 1976 Minnesota has considered small amounts of marijuana to be a non-serious offense, yet many citizens still carry criminal records for possession of small amounts. Any criminal record at all including misdemeanors can have a strong negative impact on citizens, such as blocking access to public assistance for food and housing, creating difficulties obtaining employment and credit, and limitations on Second Amendment rights. These difficulties often drive low level offenders toward recidivism or fail to fully re-integrate into the economy and society.

Unfortunately, federal law still makes it illegal even for medical patients to possess firearms. Yet if a citizen's record only has a cannabis offense and they are not disqualified from purchasing or possessing firearms for any other reason state or federal, they should be able to legally do so once their record has been expunged.

The bill could be improved by creating automatic expungement for those who are eligible. Research from Michigan has shown that just 6% of citizens who were eligible for expungement actually received it when the process required them to submit a legal filing requesting such expungement. For most citizens, they will need a lawyer and financial resources up to \$1,500 to complete this objective.

This is an unnecessary step because the state can determine if the citizen is eligible without the application, which brings no new information to the state. Once the criteria for expungement are established, the court can comb its records and expunge the records of all who qualify at no cost to or involvement of the citizen. The application process is overburdensome for citizens when the

state already has the information it needs to restore their rights. Some states such as Pennsylvania have already implemented automatic expungement for a wide range of crimes beyond cannabis offenses.

With over 37 states including Minnesota having legalized cannabis for medical use, it is an appropriate time to fully restore the rights of those with low level cannabis possession charges by expunging their records.

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