



San Diego City Attorney Mara W. Elliott



Working to Clear Low-level Marijuana Convictions

By City Attorney Mara W. Elliott

People deserve second chances in life, especially when a mistake from the past can have exaggerated consequences on their future.

That's why I'm working to dismiss convictions from the records of thousands of San Diegans who violated now-obsolete laws against possessing low-level amounts of marijuana.

These citizens often cannot fully participate in society because they once engaged in an activity that today is legal in the eyes of the courts, the State Legislature, and the voters of California.

They may be turned down for a job, or unable to rent a home. Having a criminal record can keep them from coaching their child's sports team, or affect their ability to obtain a student loan for college.

My office is currently reviewing more than 5,000 misdemeanor and infraction convictions from 2009 through 2018, and thousands more before then. Charges will be systematically dismissed to clear conviction records for those who qualify, and records will be sealed.

We filed the first motions to dismiss 30 convictions on September 25, and additional motions will be filed on a regular and ongoing basis.

Under a bill passed by the State Legislature, prosecutors like myself are tasked with clearing convictions before July 1, 2020. We are working with the Superior Court, San Diego County District Attorney Summer Stephan, and the Office of the Public Defender to develop a streamlined countywide process to identify all eligible individuals. We are conducting a thorough review of convictions documented in the databases of the Superior Court, City Attorney's Office, and California Department of Justice.

Since marijuana became legal in California, people convicted of low-level misdemeanors and infractions for marijuana possession could petition the court to have their records dismissed. However, few took advantage of the opportunity, likely because they didn't know about it, or perhaps found the process lengthy, daunting, and expensive.

Since the City will be proactively dismissing these convictions, the defendants will not have to file a petition, hire a lawyer, or take any other actions.

This effort will wipe the slate clean for thousands of San Diegans who can then start over without having to disclose a criminal record on any job, property rental, volunteer, or loan application.

When our work is done, thousands of San Diegans will be able to move forward with their lives without this mark on their records.

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Everyone makes mistakes, and we all deserves second chances. Most use the opportunity to make better lives for themselves and their loved ones.

Questions concerning the conviction dismissal process can be sent to CityAttorney@sandiego.gov at the City Attorney's Office.

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