

Proposition 64 Resentencing and Reclassification - Changing a Criminal Record Under California's Marijuana Legalization Measure

Live Webcast and www.pli.edu,* November 15, 2017

Why You Should Attend

On November 8, 2016, California voters passed the Adult Use of Marijuana Act, or Proposition 64 ("Prop. 64"), into law. Prop. 64 immediately legalized the possession, transport, purchase, consumption and sharing of up to one ounce of marijuana and up to eight grams of marijuana concentrates for adults aged 21 and older. Licensing and regulation of the nonmedical use of marijuana will not begin until January 2018.

Prop. 64 also reduced or eliminated criminal penalties for most marijuana offenses. Building on the transformative work of Prop. 47, which passed in 2014, Prop. 64 allows Californians with prior marijuana convictions to clean up their records by getting their prior convictions reduced to misdemeanors or infractions or dismissed entirely. This training is designed to provide attorneys with the knowledge, tools, and legal arguments to successfully seek reduction or dismissal of marijuana related cases in California courts. This training will focus on changes to California criminal law that affect individual adults and youth under 18 and not on the licensing or regulation of commercial marijuana businesses.

What You Will Learn

This training will focus on changes to criminal law created by Prop. 64, including how criminal penalties were reduced or eliminated for marijuana offenses (for both adults and youth under 18), procedures for reducing or dismissing a prior marijuana conviction, provide suggested arguments (and their legal basis) for dismissal or reduction of current and former marijuana cases, and provide an update on any legal challenges or issues that have developed in the one year since Prop. 64 passed.

Who Should Attend

This training will be particularly useful for legal advocates who provide or are interested in providing legal services in California and will be helpful for new attorneys and for attorneys who want to explore new areas of practice.

PROGRAM SCHEDULE

9:00

Program Introductions and Overview

Joy Haviland

9:05

Prop. 64: One Year In and Nuts and Bolts: Penalty Reductions, Resentencing, and Reclassification

- Short overview of Prop. 64
- Statewide implementation of Prop. 64 to date, including numbers of people who have obtained relief and the possible number of people still eligible for relief.
- How marijuana offenses were reduced or eliminated
- How to file a petition for resentencing or reclassification for retroactive relief
- How Prop. 64 is different than Prop. 47
- Presentation of legal arguments for dismissal or reduction of specific current and former marijuana convictions.
- Discussion of legal issues that have been raised in implementation of these provisions

Joy Haviland, Nick Stewart-Oaten

10:35 Adjourn

Faculty:

Chair:

Joy Haviland

Staff Attorney

Drug Policy Alliance

Oakland, California

Nick Stewart-Oaten

Appellate Attorney

Los Angeles Public Defender's Office

Los Angeles, California

Program Attorney: Christina Thompson