

# CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA  
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OFFICE OF THE CITY CLERK  
OAKLAND  
18 MAR - 1 PM 9:27

Date: March 1, 2018

To: Members of the Oakland City Council

From: Councilmembers Kaplan and Kalb

Re: Adopt A Resolution In Support Of Assembly Bill 1793 (Bonta) Which Would Allow Automatic Expungement Or Reduction Of Certain Prior Cannabis Convictions

Dear Colleagues,

We are requesting that the full City Council adopt this Resolution in support of Assembly Bill 1793 (Bonta). By adopting the Resolution, the City of Oakland will be on record as a supporter of the bill, which intends to allow automatic expungement or reduction of certain prior cannabis convictions.

Many past cannabis-related offenses are no longer illegal under California law, and other past offenses may now be considered as lower-level violations. However, these past offenses continue to be part of these individuals' criminal records, and therefore there are continuous struggles and barriers based on conduct which is no longer illegal.

In addition, there has been a significant history of racial disparity in cannabis enforcement, resulting in disproportionate numbers of African American residents having records for conduct that has been widespread and common among many others, who were not prosecuted. These lingering records cause people ongoing harm, which lasts beyond any period of incarceration. People may continue to face difficulty obtaining jobs, housing, education, and more throughout their lives, based on old criminal records.

This is an important step forward in ensuring justice for all, even for those who may not have the time, money, and knowledge to do the process on their own. Therefore, we ask that you please support and adopt this resolution.

Respectfully submitted,

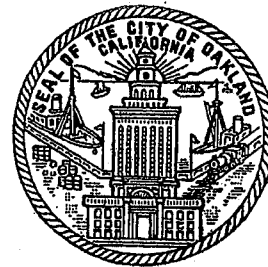
Handwritten signature of Rebecca Kaplan in black ink.

Councilmember At-Large Rebecca Kaplan

Handwritten signature of Dan Kalb in black ink.

Councilmember Dan Kalb, District 1

**CITY OF OAKLAND**  
**BILL ANALYSIS**



**Date:** March 1, 2018

**Bill Number:** 1793

**Bill Author:** BONTA

**DEPARTMENT INFORMATION**

**Contact:** Sheng Thao and Oliver Luby  
**Department:** City Council : Kaplan and Kalb  
**Telephone:** X7082 and X7013

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**RECOMMENDED POSITION:** SUPPORT

**Summary of the Bill**

Assembly Bill 1793 states the intent of the Legislature to enact legislation to allow automatic expungement or reduction of certain prior cannabis convictions.

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), enacted by the voters at the November 8, 2016, statewide general election, regulates the cultivation, distribution, and use of cannabis for nonmedical purposes by individuals 21 years of age and older. Under AUMA, a person 21 years of age or older may, among other things, possess, process, transport, purchase, obtain, or give away, as specified, up to 28.5 grams of cannabis and up to 8 grams of concentrated cannabis.

**Positive Factors for Oakland**

By adopting the Resolution, the City of Oakland will be on record as a supporter of the bill, which would allow automatic expungement or reduction of certain prior cannabis convictions.

Many of our constituents continue to have criminal records, and therefore struggle in their lives, based on conduct which is no longer illegal. In addition, there has been a significant history of racial disparity in cannabis enforcement, resulting in disproportionate numbers of African American residents having records for conduct that has been widespread and common among many others, who were not prosecuted.

These lingering records cause people ongoing harm, which lasts beyond any period of incarceration. People may continue to face difficulty obtaining jobs, housing, education, and more throughout their lives, based on old criminal records.

By supporting AB 1793, Oakland will be taking an important step forward in ensuring justice for all, even for those who may not have the time, money, and knowledge to do the process on their own, to expunge

Item: \_\_\_\_\_  
Rules & Legislation Comte.  
March 15, 2018

**Negative Factors for Oakland**

None.

**PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:**

- Critical** (top priority for City lobbyist, city position required ASAP)
- Very Important** (priority for City lobbyist, city position necessary)
- Somewhat Important** (City position desirable if time and resources are available)
- Minimal or**  **None** (do not review with City Council, position not required)

**Known support:**

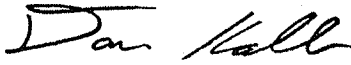
Drug Policy Alliance  
California NORML

**Known Opposition:**

None known of.

Respectfully Submitted,

  
Councilmember At-Large, Kaplan

  
Councilmember Kalb, District 1

Item: \_\_\_\_\_  
Rules & Legislation Comte.  
March 15, 2018

**ASSEMBLY BILL**

**No. 1793**

**Introduced by Assembly Member Bonta**

January 9, 2018

An act relating to cannabis.

LEGISLATIVE COUNSEL'S DIGEST

AB 1793, as introduced, Bonta. Cannabis convictions.

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), enacted by the voters at the November 8, 2016, statewide general election, regulates the cultivation, distribution, and use of cannabis for nonmedical purposes by individuals 21 years of age and older. Under AUMA, a person 21 years of age or older may, among other things, possess, process, transport, purchase, obtain, or give away, as specified, up to 28.5 grams of cannabis and up to 8 grams of concentrated cannabis.

This bill would state the intent of the Legislature to enact legislation to allow automatic expungement or reduction of a prior cannabis conviction, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation to allow automatic expungement or reduction of a prior

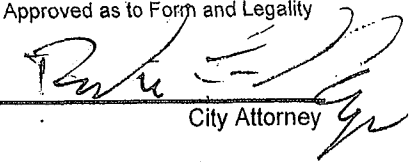
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- 1 cannabis conviction for an act that is not a crime as of January 1,
- 2 2017, or for a crime that as of that date subject to a lesser sentence.

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18 MAR -1 PM 3:26 OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember Kaplan & Councilmember Kalb

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**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 1793 (BONTA) WHICH  
WOULD ALLOW AUTOMATIC EXPUNGEMENT OR REDUCTION OF  
CERTAIN PRIOR CANNABIS CONVICTIONS**

**WHEREAS**, Proposition 64, the California Marijuana Legalization Initiative, was passed by a majority vote of the people in the State of California on November 8, 2016; and

**WHEREAS**, in the State of California, adult-use of cannabis was implemented on January 1, 2018; and

**WHEREAS**, many past cannabis-related offenses are no longer illegal under California law, and other past offenses may now be considered as lower-level violations; and

**WHEREAS**, there has been a significant history of racial disparity in cannabis enforcement, resulting in disproportionate numbers of African American and Latinx residents being disenfranchised with adverse generational consequences; and

**WHEREAS**, these past offenses continue to be part of these individuals' criminal records, and therefore there are continuous struggles and barriers based on conduct which is no longer illegal; and

**WHEREAS**, people may continue to face difficulty obtaining jobs, housing, education, and more throughout their lives, based on old criminal records; and

**WHEREAS**, Proposition 64 allows for reduction or dismissal of a conviction if a petition is filed by the convicted individual, placing the burden of correcting the record on the individual harmed by the outdated laws; and

WHEREAS, the intent of AB 1793 is to enact automatic reduction or expungement of an eligible prior cannabis conviction, an important step forward in ensuring justice for all, even for those who may not have the time, money, and knowledge to do the process on their own; now, therefore be it

RESOLVED, That the Oakland City Council hereby endorses Assembly Bill 1793 and urges the California State Legislature and Governor Jerry Brown to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,  
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California