

# Bipartisan Bill Proposes Expunging Federal Cannabis Records

In a significant move towards comprehensive cannabis reform, a bipartisan group of lawmakers has reintroduced a bill aimed at expunging federal misdemeanor marijuana convictions. The Marijuana Misdemeanor Expungement Act, filed by Reps. Troy Carter (D-LA) and Kelly Armstrong (R-ND), seeks to create a clear process for removing low-level cannabis offenses from federal criminal records and allows courts to recommend presidential pardons for eligible cases.

## Reps. Carter and Armstrong's Initiative

Reps. Troy Carter and Kelly Armstrong have taken a bold step in addressing the lasting consequences of federal cannabis misdemeanors. Their bill mandates the chief justice of the U.S. Supreme Court to establish rules for the “review, expungement, sealing, sequester, and redaction” of criminal records related to minor marijuana offenses.

## Building on Biden's Clemency Actions

This legislative proposal builds upon President Joe Biden's previous clemency actions, which pardoned thousands of individuals with cannabis possession offenses. Although President Biden initially suggested that these pardons included record expungements, he acknowledged in May that this was not the case. The newly refiled bill specifies the criminal codes that qualify as “expungable events,” including the possession and distribution of small amounts of marijuana without remuneration and other related offenses that did not involve violence.

## Criteria for Expungement

Under the [proposed bill](#), at least one year must have passed since the arrest or the last non-technical docket filing for a case to be eligible for expungement. Additionally, the courts must confirm that the case is not ongoing and that the individual has not evaded prosecution.

## Restoring Justice

Rep. Carter emphasized the importance of this legislation in a press release, stating, “No one should be in jail just for using or possessing marijuana. This bipartisan bill will restore justice to millions of Americans who have suffered excessive secondary consequences associated with marijuana-related misdemeanors.” These secondary consequences include restrictions on accessing educational aid, housing assistance, occupational licensing, and even foster parenting.

## Implementation and Notification

Upon enactment, the chief justice would have one year to develop procedural rules for expungements, with each federal district given up to two years to review and expunge eligible cases. The bill also includes notification requirements, ensuring that courts send final orders of expungement to the U.S. attorney general, relevant federal agencies, local law enforcement, and the individuals whose records have been expunged.

### **Supporting a More Equitable Society**

Rep. Armstrong, who is leaving Congress to run for governor of North Dakota, highlighted the significance of the bill in supporting a more equitable society. “Records matter, and carrying a low-level non-criminal petty offense on a record could heavily impact a person’s way of life from sustaining employment to applying to new opportunities,” Armstrong said. “The Marijuana Misdemeanor Expungement Act gives a second chance to non-violent petty marijuana offenders after the sentence is complete and removes barriers to reentry.”

### **Appeals and Petitions**

The legislation allows the U.S. attorney general and federal prosecutors to appeal any expungements within 60 days of issuance to the relevant U.S. circuit court of appeals. Additionally, individuals have the right to file a motion for expungement in the federal district where the offense occurred, with the court fees waived under the bill.

### **Restoring Rights**

An order of expungement would restore the affected individual’s legal status to what it was before the arrest or legal proceedings, allowing them to pursue any lawful activity, occupation, or profession without the burden of disclosing the expunged record.

### **Mandated Studies**

The bill mandates the federal Government Accountability Office (GAO), in consultation with the U.S. Department of Health and Human Services (HHS), to study the impacts of federal marijuana-related misdemeanors. The GAO must submit a report to Congress within two years of the bill’s enactment. Additionally, the chief justice is tasked with reporting on the implementation of the expungement policy and recommending further reforms, including relief for those with felony cannabis convictions.

### **Expungement and Pardons**

The bill includes a provision allowing courts to refer cases to the President for potential pardons once an expungement is issued with a “finding of good cause.” This aspect highlights the collaborative effort to provide comprehensive relief for individuals affected by federal marijuana misdemeanors.

### **Collaborative Efforts and Future Implications**

The reintroduction of the Marijuana Misdemeanor Expungement Act was supported by Weldon Angelos, a former federal marijuana prisoner who received a presidential pardon, and Erik Luna, a professor at Arizona State University. Angelos praised the bill, stating, “Our federal marijuana and criminal justice policies must be reformed to recognize the fact that cannabis is now legal in 38 states as we continue to move towards ending prohibition.”

## **Biden's Role in Cannabis Reform**

The bill's reintroduction comes as President Biden continues to advocate for cannabis reform, including directing the Justice Department to propose moving cannabis from Schedule I to Schedule III of the Controlled Substances Act. The public comment period for this proposed rule is ongoing.

The Marijuana Misdemeanor Expungement Act represents a significant step towards comprehensive cannabis reform in the United States. By creating a process for expunging federal misdemeanor marijuana convictions and allowing for presidential pardons, this bipartisan legislation aims to restore justice and provide second chances for countless individuals affected by the War on Drugs.

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