

RESOLUTION OF THE NEVADA STATE BOARD OF PARDONS COMMISSIONERS

WHEREAS, in 1923 the State of Nevada outlawed the possession of cannabis, commonly known as marijuana; and

WHEREAS, the 1929 federal prohibition on cannabis was precipitated in part by racist notions that the consumption of cannabis incited minorities to violence; and

WHEREAS, in the decades since the passage of these cannabis prohibition bills, public sentiment in Nevada has shifted towards favoring the decriminalization and legalization of cannabis use; and

WHEREAS, in 1998, Nevadans approved Question 9, the Nevada Medical Marijuana Act, to legalize the use of plants of genus Cannabis for medical purposes; and

WHEREAS, in the 2000 General Election, Nevadans ratified the Nevada Medical Marijuana Act and enshrined the use of medical marijuana into Article 4, Section 38 of the Nevada Constitution; and

WHEREAS, in 2001, Assembly Bill 453 of the 70th Session of the Nevada Legislature reduced the penalty provided in NRS 453.336(4) for the first and second conviction for possession of less than one ounce of marijuana from a Category E felony, to a misdemeanor, and made a third and subsequent convictions punishable as gross misdemeanor and felony crimes; and

WHEREAS, in 2016, Nevadans approved Question 2, an indirect initiated statute titled the Nevada Marijuana Legalization Initiative, which legalized the recreational use of cannabis by persons 21 years old or older; and

WHEREAS, records at the Central Repository for Nevada Records of Criminal History reflect 31,124 arrests and 15,592 misdemeanor convictions for simple marijuana possession crimes from January 1, 1986, through the decriminalization of marijuana on January 1, 2017; and

WHEREAS, the consequences of convictions for drug offenses can be significant, including the loss of eligibility for federal student financial aid in some circumstances, and the loss of certain constitutional rights; and

WHEREAS, persons previously convicted in Nevada for possession of less than one ounce of marijuana are bearing the consequences of convictions for acts that Nevadans have now deemed lawful; and

WHEREAS, Article 5, Section 14 of the Nevada Constitution provides that the Nevada State Board of Pardons Commissioners may grant pardons after convictions in all cases, except where otherwise proscribed by law; and

WHEREAS, Nevada Revised Statutes are silent on the issue of the Nevada State Board of Pardons Commissioners' authority to grant clemency to persons convicted of possession of less than one ounce of marijuana; and

WHEREAS, where statutes are silent the Nevada State Board of Pardons Commissioners' authority is plenary; and

WHEREAS, the crime of possession of less than one ounce of marijuana is a victimless crime that does not implicate victim notification requirements, including the provisions of NRS 213.010(3).

THEREFORE, BE IT RESOLVED:

SECTION 1: All persons previously convicted in the State of Nevada for violations of statutes, ordinances, or codes prohibiting the possession of one ounce or less of marijuana not for purpose of sale, including without limitation NRS 453.336(4) and its subsections, are hereby unconditionally pardoned. This provision shall not be construed to extend to concomitant criminal convictions related to the underlying marijuana conviction.

SECTION 2: The Secretary of the Nevada State Board of Pardons Commissioners shall prescribe instructions for persons seeking Unconditional Pardon documents for crimes pursuant to this Resolution, identified by the Nevada Offence Codes (NOC) below. The Secretary is hereby delegated authority to present Unconditional Pardons to the Commissioners for signature without further action by the Board.

SHORT NOC	OLD NOC	CLASS CODE	STATUTE	LONG_DESC
51137	02052	M	453.336.4a	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
02513	09955	M	453.336.4a	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
09957	10091	M	453.336.4a	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
51138	02052	M	453.336.4b	POSSESS ONE OUNCE OR LESS OF MARIJUANA, SECOND OFFENSE
02513	09955	M	453.336.4b	POSSESS ONE OUNCE OR LESS OF MARIJUANA, SECOND OFFENSE
09957	10091	M	453.336.4b	POSSESS ONE OUNCE OR LESS OF MARIJUANA, SECOND OFFENSE
54477		M	8.04.127	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
54478		M	8.04.127	POSSESS ONE OUNCE OR LESS OF MARIJUANA, SECOND OFFENSE
54719		M	9.453.336	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
56699		M	53.185.3a	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
56700		M	53.185.3b	POSSESS ONE OUNCE OR LESS OF MARIJUANA, SECOND OFFENSE
56943		M	10.02.010	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
56944	09971	M	8.17.050	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
56945		M	1.04.015	POSSESS ONE OUNCE OR LESS OF MARIJUANA, SECOND OFFENSE
58559		M	10.62.010A1	POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
58560		M	10.62.010B2	POSSESS ONE OUNCE OR LESS OF MARIJUANA, SECOND OFFENSE

61024	M	453.336.4A	ATTEMPT POSSESS ONE OUNCE OR LESS OF MARIJUANA, FIRST OFFENSE
51140	F	453.336.4D	POSSESS, NOT FOR PURPOSE OF SALE, ONE OUNCE OR LESS OF MARIJUANA, FOURTH OR SUBSEQUENT OFFENSE