

# RESOLUTION OF THE 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 Section 38 of the Nevada Constitution; and

**WHEREAS**, in 2001, Assembly Bill 453 of the 70<sup>th</sup> 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

**WHEREAS**, third and subsequent convictions for possession of less than one ounce of marijuana constitute 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**, from January 1, 1986 through the decriminalization of marijuana on January 1, 2017, 31,124 persons were arrested, and 15,592 persons convicted of misdemeanors for simple marijuana possession crimes; 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 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 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 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 any other convictions.

**SECTION 2:** The Secretary of the 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 for signature by consent agenda 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

ADDRESS ALL COMMUNICATIONS TO

PARDONS BOARD  
1677 OLD HOT SPRINGS ROAD  
SUITE A  
CARSON CITY, NEVADA 89706  
TELEPHONE (775) 687-6568  
FAX (775) 687-6736

DENISE DAVIS, EXECUTIVE SECRETARY

STATE OF NEVADA



BOARD OF PARDONS

BOARD OF PARDONS

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June 16, 2020

### Instruction for applying for an Unconditional Pardon for Marijuana

- 1) You must provide a copy of your Judgment of Conviction(s) or criminal history printout. If you do not have a copy of the required information you may obtain a copy by;
  - a) Requesting the Judgment of Conviction from the court where you were convicted.
  - b) If records are unavailable, you may obtain your criminal history from the Nevada Department of Public Safety. Please note there is a fee for this report that the applicant must pay. <https://rccd.nv.gov/Services/Svcs/>  
Department of Public Safety, Records, Communication and Compliance Division, 333 West Nye Lane, Suite 100, Carson City, NV 89706.
- 2) Once you obtain the conviction(s) information, complete the application and attach the Judgment(s) or criminal history report.
- 3) Mail the application to Pardons Board, 1677 Old Hot Springs, Suite A, Carson City, NV 89706.
- 4) The secretary will verify the information you provide, and if you meet the requirements an Unconditional Pardon will be processed for signatures by the Honorable Board of Pardons. Once signed, the Secretary will send an original copy to the applicant, and a certified copy will be sent to the court where you were convicted, and to the Criminal History Repository.

Besides the fee for the criminal history report, there is no cost for this process. An attorney is not necessary.

**STATE OF NEVADA BOARD OF PARDONS  
CARSON CITY, NEVADA  
Application for MARIJUANA Pardon**

**SECTION 1**

Applicant Name:		Email:	
Home Tel.	Work Tel.	Cell #.	
Address:		City:	ST:      Zip:
Mailing Address:			
Name of applicant as convicted:			
Date of birth:		Social Security #:	
Gender at Conviction:		Ethnicity:	US Citizen? Yes / No

**SECTION 2**

List the MARIJUANA POSSESSION, 1 OUNCE OR LESS charges you think qualify under the blanket pardone  
Please fill out at much information as possible, attach a second sheet if needed:

Offense:		Case #:	
Court:	County:		
Name of Sentencing Judge:		Date of Sentencing:	
Date of discharge:			

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Court:	County:		
Name of Sentencing Judge:		Date of Sentencing:	
Date of discharge:			

Have you had your records sealed in Nevada? \_\_\_\_\_ If YES, you will need to provide the sealing documents and the original case documents.

By my signature, I attest that the above information is true and accurate to the best of my knowledge.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_