

114TH CONGRESS
1ST SESSION

H. R. 3124

To permit the expungement of records of certain marijuana-related offenses.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2015

Mr. BLUMENAUER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To permit the expungement of records of certain marijuana-related offenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Slate for Mari-
5 juana Offenses Act of 2015”.

6 **SEC. 2. EXPUNGEMENT OF CRIMINAL RECORDS FOR CER-**
7 **TAIN MARIJUANA-RELATED OFFENSES.**

8 (a) IN GENERAL.—Chapter 229 of title 18, United
9 States Code, is amended by inserting after subchapter C
10 the following new subchapter:

1 “SUBCHAPTER D—EXPUNGEMENT

“Sec.

“3631. Expungement of certain criminal records in limited circumstances.

“3632. Requirements for expungement.

“3633. Procedure for expungement.

“3634. Effect of expungement.

“3635. Disclosure of expunged records.

2 **“§ 3631. Expungement of certain criminal records in**
3 **limited circumstances**

4 “(a) IN GENERAL.—Any individual convicted of a
5 qualifying marijuana-related offense who fulfills the re-
6 quirements of section 3632 may, upon petition for
7 expungement made in accordance with this subchapter,
8 obtain an order granting expungement under this sub-
9 chapter.

10 “(b) DEFINITION OF QUALIFYING MARIJUANA-RE-
11 LATED OFFENSE.—In this subchapter, the term ‘quali-
12 fying marijuana-related offense’ means an offense against
13 the United States in which the conduct constituting the
14 offense—

15 “(1) was legal under the State law at the time
16 of the offense; or

17 “(2) was the possession of marijuana in a quan-
18 tity is not greater than one ounce.

19 “(c) DEFINITION OF STATE.—In this subchapter, the
20 term ‘State’ includes the District of Columbia, Puerto
21 Rico, and any other territory or possession of the United
22 States.

1 **“§ 3632. Requirements for expungement**

2 “No individual shall be eligible for an order of
3 expungement under this subchapter unless, before filing
4 a petition under this subchapter, such individual fulfills
5 all requirements of the sentence for the conviction for
6 which expungement is sought, including completion of any
7 term of imprisonment or period of probation, meeting all
8 conditions of a supervised release, and paying all fines.

9 **“§ 3633. Procedure for expungement**

10 “(a) PETITION.—An individual may file a petition for
11 expungement of a conviction in the court in which the con-
12 viction was obtained. A copy of the petition shall be served
13 by the court upon the United States Attorney for the judi-
14 cial district of that court.

15 “(b) OPPORTUNITY FOR GOVERNMENT TO CONTEST
16 PETITION.—Not later than 60 days after the date a copy
17 of a petition is served on the Government under subsection
18 (a), the Government may, if the Government determines
19 the facts do not support the petition, inform the court and
20 the petitioner that the Government opposes granting
21 expungement. If the Government does so inform the court
22 and the petitioner, the court shall allow the Government
23 and the petitioner an opportunity to present evidence and
24 argument relating to the petition.

25 “(c) COURT-ORDERED EXPUNGEMENT.—If, after the
26 passage of the 60-day period described in subsection (a)

1 or earlier, if the Government informs the court it will not
2 oppose granting expungement or if proceedings related to
3 that opposition have been completed, the court determines
4 the preponderance of the evidence before the court sup-
5 ports the granting of expungement under this subchapter,
6 the court shall issue an order granting that expungement.
7 If the court determines the petition is not supported by
8 the preponderance of the evidence before the court, the
9 court shall deny the petition.

10 **“§ 3634. Effect of expungement**

11 “(a) IN GENERAL.—An order granting expungement
12 under this subchapter restores the individual concerned,
13 in the contemplation of the law, to the status that indi-
14 vidual occupied before the arrest or the institution of
15 criminal proceedings for the offense for which expunge-
16 ment is granted.

17 “(b) NO DISQUALIFICATION; STATEMENTS.—After
18 an order under this subchapter granting expungement of
19 an individual’s criminal records, that individual is not re-
20 quired to divulge information pertaining to the expunged
21 conviction. The fact that such individual has been con-
22 victed of the criminal offense concerned shall not operate
23 as a disqualification of that individual to pursue or engage
24 in any lawful activity, occupation, or profession. Such indi-
25 vidual is not guilty of any perjury, false answering, or

1 making a false statement by reason of that individual's
2 failure to recite or acknowledge such arrest or institution
3 of criminal proceedings, or results thereof, in response to
4 an inquiry made of that individual for any purpose.

5 “(c) RECORDS TO BE DESTROYED.—Except as pro-
6 vided in section 3635, upon order of expungement, all offi-
7 cial law enforcement and court records, including all ref-
8 erences to such person's arrest for the offense, the institu-
9 tion of criminal proceedings against the individual, and
10 the results thereof, except publicly available court opinions
11 or briefs on appeal, shall be permanently destroyed.

12 **“§ 3635. Disclosure of expunged records**

13 “(a) INDEX TO ASSIST AUTHORIZED DISCLOSURE.—
14 The Department of Justice shall maintain a nonpublic
15 manual or computerized record of expungements under
16 this subchapter containing only the name of, and alpha-
17 numeric identifiers selected by the Department of Justice
18 that relate to, the persons who obtained expungement
19 under this subchapter, and the order of expungement.

20 “(b) AUTHORIZED DISCLOSURE TO INDIVIDUAL.—
21 Information in the index shall be made available only to
22 the individual to whose expungement it pertains or to such
23 individual's designated agent.

24 “(c) PUNISHMENT FOR IMPROPER DISCLOSURE.—
25 Whoever knowingly discloses information relating to an

1 expunged conviction other than as authorized in this sub-
2 chapter shall be fined under this title or imprisoned not
3 more than one year, or both.”.

4 (b) CLERICAL AMENDMENT.—The table of sub-
5 chapters at the beginning of chapter 229 of title 18,
6 United States Code, is amended by adding at the end the
7 following item:

“D. Expungement 3631”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this Act apply to individuals convicted of an offense before,
10 on, or after the date of enactment of this Act.

