



STATE OF OREGON
Office of the Governor
KATE BROWN

FREQUENTLY ASKED QUESTIONS

GOVERNOR KATE BROWN'S MARIJUANA PARDONS

On November 21, 2022, Governor Kate Brown pardoned all electronically available Oregon convictions for possession of one ounce or less of marijuana, in pre-2015 cases in which the person was 21 years of age or older, this was the only charge, and there were no victims.

Below are some commonly asked questions about the pardons.

What is a pardon?

A pardon is an act of complete forgiveness for a crime by a public official. In Oregon, the Governor has the constitutional power to grant pardons.

What convictions were pardoned by the Governor's pardon order?

On November 21, 2022, Governor Brown pardoned state-level convictions of possession of one (1) ounce or less of marijuana in the State of Oregon, in certain electronically available cases that met three criteria:

- First, the only charge in the case was for possession of one ounce or less of marijuana. This means that no other charges were filed by law enforcement, and excludes all cases involving manufacture and delivery of marijuana.
- Second, the case did not include a victim.
- Third, the sole individual in the case was 21 years of age or older at the time of the possession of marijuana.

Will the Governor's marijuana pardon result in anyone being freed from incarceration?

No. No one is currently incarcerated in the state of Oregon solely for the possession of one ounce or less of marijuana.

How many convictions were pardoned?

A total of 47,144 convictions were pardoned by the Governor's pardon order.

How many people does this impact?

The estimated number of people impacted by the Governor's marijuana pardon is approximately 45,000 individuals. The exact number of people affected is unclear because an individual may have had several convictions pardoned through this process.

Does the pardon order also forgive unpaid fines associated with the conviction or violation?

Yes. The Governor's pardon order also forgives approximately \$14 million in unpaid court fines and fees associated only with the pardoned convictions. As a result, the State will no longer collect those fines and fees, however, it may take a few weeks for the State to update its records and to reach out to collection agencies to waive the fines and fees included in the Governor's pardon. The State anticipates that all records should be updated to clear the remaining balance on the associated case within one month of the Governor's action.

How and when will my marijuana conviction be pardoned?

If your conviction met the criteria outlined above, within one day of Governor Brown's pardon order on November 21, 2022, the circuit court in the county of conviction will seal the cases with pardoned convictions, which has the effect of removing the case and conviction from your official court record. A copy of the court order sealing your record will be available within 6-8 weeks. If you need a copy of the circuit court's order pertaining to your case, then you may request a copy by following this link:

<https://www.courts.oregon.gov/forms/Pages/marijuana-pardon.aspx>.

What happens to my criminal record after the court seals my record and what will a pardoned conviction look like on my criminal history?

The pardoned marijuana conviction will no longer show up on background checks of public court records. However, the conviction may show up on background checks conducted by law enforcement officials or licensing authorities, but it will show up as a pardoned conviction. In addition, certain private companies may have collected the data associated with the conviction prior to the date of the Governor's pardon, either through a contract with the State or by gathering that data from public sites on the internet.

If your conviction was pardoned, the State will inform private companies with data agreements with state courts that the convictions were pardoned and most will remove the pardoned cases from their records. Please note, however, that the State does not have direct control over the information that is stored and shared through private companies and the company may be unwilling or unable to remove the information associated with the pardoned conviction. If you believe your case has been pardoned and you find that a private company has the record and it is showing up on a background check, please contact OJD.order.request@ojd.state.or.us.

Will I be notified if my conviction has been pardoned?

No. The aggregate information provided by the Oregon Judicial Department for these pardons did not include any identifying information such as addresses or other demographic information. Therefore, the

Governor's office does not have contact information for individuals whose convictions were pardoned and will not notify individuals.

How will I know if my case with the marijuana conviction was included in the pardon?

If your marijuana conviction and case met the criteria described above, then the Governor's pardon of your conviction and the court's sealing of the case record will go forward without your involvement. Individuals with pardoned convictions may not realize that their record had been sealed.

I have an old marijuana conviction. Why wasn't it pardoned?

There are two possible reasons why your conviction was not pardoned.

First, your marijuana conviction and case may not have qualified for a pardon based on the Governor's criteria. As described above, Governor Brown pardoned state-level convictions of possession of one (1) ounce or less of marijuana in the State of Oregon, excluding municipal and justice court convictions. The person convicted must have been 21 years of age or older at the time of possession. The only charge in the case must have been for possession of one (1) ounce or less of marijuana, meaning that no other charges were filed by law enforcement in that case, and the case did not include manufacture and delivery of marijuana. Lastly, the case involving the pardoned conviction did not include a victim. If your conviction or case does not meet one of those criteria, then your old marijuana conviction was not pardoned.

Second, for some convictions—especially those from before 2005—there may have been insufficient information for the State to determine whether the conviction met the Governor's criteria specified in the Governor's marijuana pardon order and described above. As a result, those convictions with insufficient data were not included in the Governor's pardon.

Why does the Governor's marijuana pardon apply only to State-level convictions?

The statewide judicial database that is utilized by the Oregon Judicial Department does not have access to locally-operated city and county municipal or justice court records. If you want to learn more about setting aside court records (i.e. expungement) related to a marijuana possession conviction in a justice or municipal court, then please reach out directly to the respective court.

Does the Governor's marijuana pardon apply to convictions in another state if the individual now lives in Oregon?

No. Governor Brown has the authority to pardon only Oregon convictions.

Does the Governor's marijuana pardon apply to individuals who sold marijuana, possessed more than one (1) ounce of marijuana, or have some other conviction for marijuana?

No. Governor Brown's marijuana pardon order applies only to state-level convictions of *possession* of one (1) ounce or less of marijuana in the State of Oregon, in single-charge cases without a victim in which the individual was 21 years of age or older.

What are the demographics of individuals with pardoned convictions?

The information about the cases considered by the Governor did not include any demographic information.

How much did this pardon process cost in tax dollars or otherwise?

The pardons were completed largely using existing state resources. There were no additional funds allocated to the Governor's Office; the Oregon Judicial Department was given one-time funds by the legislature for court staff to execute the court orders and complete the sealing process.

What should I do if my marijuana conviction was not pardoned, but I think it should have been?

If your conviction was not pardoned, then you should first apply with the relevant court to have your conviction "set aside" (i.e. expunged). Information about that process is included in a separate question below. Alternatively, if you would like to request a pardon for a conviction that was not included in the Governor's marijuana pardon order, you may apply for a pardon by submitting [this form](#) to the Governor's office. The typical pardon application process involves a case-by-case evaluation of your application by the Governor and staff in the Governor's office. A decision by the Governor is usually made within six to twelve months. In addition to applying for a pardon, you may also apply to set aside (i.e. expunge) a conviction to remove it from public records. Here is more information on how to apply for a set aside (i.e. expungement):

<https://www.courts.oregon.gov/forms/Pages/CrimArrestSetAside.aspx>.

How does the traditional pardon application process, including for marijuana convictions that were not included in the Governor's marijuana pardon, work?

The traditional pardon process works on a case-by-case basis. The individual seeking a pardon must submit an application that is evaluated by the Governor's office and the Governor, who has the sole discretion to pardon an individual's conviction(s). If you would like to request a pardon for a conviction that was not included in the Governor's marijuana pardon order, you may apply for a pardon by submitting [this form](#) to the Governor's office.

How do I apply to expunge or seal marijuana convictions that were not included in the Governor's marijuana pardon?

Oregon does not offer "sealing" or "expungement" of adult criminal records, but it does offer "set asides." When a record is set aside in Oregon, the court sets aside the record of conviction and the applicant is deemed not to have been previously convicted. The court orders the record of the conviction and all other official records, including law enforcement records, to be sealed. Here is more information on how to apply for a set aside (i.e. expungement):

<https://www.courts.oregon.gov/forms/Pages/CrimArrestSetAside.aspx>.