

FREQUENTLY ASKED QUESTIONS ON THE RESOLUTION OF THE NEVADA STATE BOARD OF PARDONS COMMISSIONERS

WHO IS COVERED BY THIS RESOLUTION?

- In 2016, the citizens of Nevada voted to legalize the use of recreational marijuana, including the possession of one ounce or less of marijuana.
- Prior to this, possession of one ounce or less of marijuana was a criminal act that could be charged as a misdemeanor, gross misdemeanor, or felony, depending on when the person was convicted, or how many times the person was convicted of this.
- This resolution extends to persons who were previously convicted for possession of one ounce or less of marijuana, and to persons convicted multiple times for the same act.

WHO IS NOT COVERED BY THIS RESOLUTION?

- Prior to 2001, possession of less than one ounce of marijuana in Nevada was a felony crime.
- Unfortunately, people convicted of this crime were lumped together with people convicted of possession of other drugs. There is no way to separate these groups out.
- Additionally, sometimes people charged with possession of one ounce or less of marijuana pled to other crimes as part of the plea bargain process.
- People falling into these two categories are not covered by this resolution here. However, the Pardons Board can still provide relief to individuals seeking to have those convictions pardoned.
- This resolution does not cover any other drug crimes, including sales of marijuana or convictions for possession of any other controlled substances.

WILL THIS RESOLUTION REMOVE THESE CONVICTIONS FROM CRIMINAL RECORDS?

- No. In Nevada, the pardons process is separate and apart from the sealing process. These pardons will forgive the crime, and restore any rights lost because of the underlying marijuana conviction. To get these convictions removed from criminal records, applicants should go through the process to have these records sealed.
- AB192 from the last legislative session provided a streamlined process for sealing convictions for possession of less than one ounce of marijuana. Several community groups have already expressed an interest in assisting individuals with sealing these convictions.

DOES THE PARDONS BOARD HAVE THE AUTHORITY TO DO THIS?

- The Nevada Constitution provides that the Pardons Board has the power to grant pardons “in all cases, except treason and impeachments.” The powers of the Pardons Board may also be curtailed or limited through specific legislative acts by the Legislature.
- The Legislature has not in any way limited the authority of the Pardons Board to act on marijuana conviction crimes. The Board therefore has constitutional authority to act here.