

HOW TO GET A PARDON CERTIFICATE FOR A CANNABIS (MARIJUANA) OFFENSE

On March 13, 2024, Governor Healey granted a [blanket pardon](#) that includes any **conviction** for possession of cannabis in Massachusetts before March 13, 2024. The pardon reflects changes in the law, legalization of cannabis, and injustices suffered by many people due to racial disparities related to cannabis convictions.

What is the Effect of Governor Healey's Pardons?

There may be situations where you need a pardon because sealing of your record does not remove barriers to jobs or opportunities. The law permits some employers and record requesters to see a record even if it was sealed. A pardon "has the effect of treating the [person] as if the offense had never been committed." Executive Clemency Guidelines, § 2 (Oct. 31, 2023). This means, for example, if a Massachusetts law makes you ineligible for a job, occupational license, or housing based on the conviction, the exclusion no longer applies.

IMPORTANT. The record of the conviction does not disappear after a pardon.¹ **The Governor's pardon also does NOT forgive or wipe away the cannabis conviction for purposes of immigration or solve problems related to the effect of such a conviction on immigration status.** The conviction (even if pardoned or sealed) is also available to law enforcement and may be used against you at the time of sentencing for a later conviction.

What Offenses are Included in the Governor's Pardon?

Governor Healey's cannabis related conviction pardons granted on March 13, 2024, include:

- Any conviction **BEFORE** March 13, 2024, for simple possession of cannabis in a Massachusetts state court which may be listed as a "class D" substance, "marihuana" or "marijuana" on a criminal record report.
- Any juvenile court adjudication for simple possession of cannabis if the offense was before March 13, 2024 AND the person was age 21 or older when the Governor granted the pardons on March 13, 2024.

The Governor's pardons granted on March 13, 2024, do **NOT** include:

- dismissed offenses, including dismissals after a continuance without a finding (CWOFF), and
- out-of-state cases, federal court cases, other convictions such as possession **with intent to distribute**, distribution, trafficking, driving under the influence, and convictions involving more than possession.

How Do I Get the Pardon Certificate?

[Click here](#) to apply for a pardon certificate. You will likely get the certificate sooner if you can tell them the docket number for your case. **Note: You can check off a box on the form to request sealing of the pardoned offense(s).** The time frame for receiving a certificate or sealing the records is unknown. It may be faster to seal records on your own although the law imposes an obligation that the records be sealed. See G.L. c. 127, § 152 ("Upon approval of a petition for pardon, the governor shall direct all proper officers to seal all records").

¹ "Massachusetts, like the federal courts and other states, does not view a pardon as reversing a prior conviction or wiping out the underlying criminal act." § 609.2 Procedural limitations, 19 Mass. Prac., Evidence § 609.2 (3d ed.), citing *Com. v. Vickey*, 381 Mass. 762, 771 (1980).

IMPORTANT. Decriminalized drug offenses are eligible for expungement which involves destroying records of the case. We urge you to get certified copies of docket sheets in your case **BEFORE** expunging any records and to request your Pardon Certificate **BEFORE** you expunge your case to better ensure your records can be found to get the Certificate.

If you are not a citizen, do not expunge the records because they will be needed for immigration purposes and talk to an immigration lawyer about your situation.

For other information about the Governor's pardons, see [Frequently Asked Questions](#).

PRESIDENT JOE BIDEN'S PARDONS

In 2022 and 2023, President Biden granted pardons to remove barriers to housing, employment, and educational opportunities for individuals across the country with federal court cannabis convictions.

The President also [urged Governors](#) to follow his lead and to pardon low-level marijuana offenses at the state level. This led to Governor Healey's large scale pardons in 2024 and issuance of other pardons by other governors.

What Offenses are Included in the President's Pardons?

President Biden pardoned both federal convictions and District of Columbia (DC) cannabis offenses for:

- simple possession
- attempted possession, and/or
- use of cannabis.

How do I get a Presidential Pardon Certificate?

[Click here](#) to apply for a pardon certificate for a cannabis offense pardoned by the President.

Want More Information About the President's Cannabis Pardons?

For more information about presidential pardons, check out [Frequently Asked Questions](#) on the Department of Justice Office of the Pardon Attorney website.

WANT TO LEARN MORE ABOUT RECORD SEALING AND EXPUNGEMENT OF MASSACHUSETTS RECORDS?

For more information about sealing and expungement, read our other booklet: [KNOW YOUR CORI RIGHTS](#).

IMPORTANT. This booklet is provided to you as a public service by Greater Boston Legal Services and does not constitute legal advice which can only be given to you by your own attorney. This information was last updated on June 11, 2024. You may photocopy and share this booklet.