



## C 2021 019

### EXECUTIVE ORDER

#### **Full and Unconditional Pardon Convictions for Possession of Two Ounces or Less of Marijuana**

Pursuant to the authority vested in the Governor of the State of Colorado by Article IV, Section 7 of the Colorado Constitution and C.R.S. § 16-17-102(2), I, Jared Polis, Governor of the State of Colorado, issue this Executive Order granting full and unconditional pardons for convictions for possession of two (2) ounces or less of marijuana in the State of Colorado.

#### **I. Background**

On November 6, 2012, Coloradans passed Amendment 64, a State constitutional amendment initiated by the people of Colorado that legalized consumption or possession of limited amounts of marijuana for those twenty-one (21) years of age or older in the State of Colorado. Article XVIII, Section 16 became part of the Colorado Constitution on December 10, 2012, and legalized possessing, using, displaying, purchasing, or transporting marijuana accessories for one (1) ounce or less of marijuana.

On June 29, 2020, I signed the bipartisan House Bill 20-1424 (“HB 20-1424”), Social Equity Licensees in Regulated Marijuana. HB 20-1424 amends C.R.S. § 16-17-102 to allow the Governor to grant pardons to a class of defendants who were convicted of the possession of up to two (2) ounces of marijuana.

On October 4, 2020, I granted full and unconditional pardons to individuals convicted of possession of one (1) ounce or less of marijuana in the State of Colorado as detailed in Executive Order C 2020 004. My decision to pardon these individuals was a reflection of the law in Colorado at the time that permitted possession of one (1) ounce or less of marijuana. On May 20, 2021, I signed House Bill 21-1090 (“HB 21-1090”), which doubled Colorado’s recreational marijuana possession limit to two (2) ounces of marijuana for adults twenty-one (21) and older.

Through this Executive Order, I am granting pardons for State convictions of possession of two (2) ounces or less of marijuana because possession of two (2) ounces or less of marijuana is no longer illegal in Colorado and it should not be held against people since it is not a crime.

Unfortunately, many convictions of possession of two (2) ounces or less of marijuana are municipal convictions. This Executive Order only applies to State convictions. Individuals with municipal convictions should seek a remedy on the municipal level. I also urge municipal

governments to adopt similar measures, if possible, to help individuals in line with this Executive Order.

Through this Executive Order, I grant full and unconditional pardons to a class of defendants who were convicted of the possession of up to two (2) ounces of marijuana in the State of Colorado, subject to the grant of clemency below.

## II. Grant of Clemency

- A. All convictions in the State of Colorado of a petty offense, misdemeanor, or felony for possession of two (2) ounces or less of marijuana under the following statutory provisions or other relevant Colorado state statutory provisions are hereby granted a full and unconditional pardon. This Executive Order only applies to convictions of two (2) ounces or less of marijuana under state law and no other charges or convictions are pardoned by this Executive Order.

Conviction Offense	Charge Level	Statute (C.R.S.)
Possession of (2) two ounces or less of marijuana	Petty Offense, Misdemeanor, and Felony	§ 12-22-404, <i>et seq.</i>
Possession of (2) two ounces or less of marijuana	Petty Offense, Misdemeanor, and Felony	§ 12-22-412, <i>et seq.</i>
Possession of (2) two ounces or less of marijuana	Petty Offense, Misdemeanor, and Felony	§ 18-18-106, <i>et seq.</i>
Possession of (2) two ounces or less of marijuana	Petty Offense, Misdemeanor, and Felony	§ 18-18-406, <i>et seq.</i>
Possession of (2) two ounces or less of marijuana	Petty Offense, Misdemeanor, and Felony	Any Colorado State statute under which an individual was convicted of possession of (2) two ounces or less of marijuana.

- B. For the individuals' whose convictions are pardoned by this Executive Order, all rights of citizenship associated with the pardoned conviction are restored in full without condition. All civil disabilities and public sufferings associated with the pardoned conviction are removed.

I direct the Department of Public Safety, through the Colorado Bureau of Investigation, to develop a process to indicate on criminal background checks which individuals' convictions have been pardoned pursuant to this Executive Order.



GIVEN under my hand and  
the Executive Seal of the  
State of Colorado, this  
thirtieth day of December  
2021.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis  
Governor