

PLSE Puts Pause To Its Petition for General Pardon for Non-Violent Marijuana Offenders, Pending Results of the Governor’s “Special PA Marijuana Pardon Project”

September 1, 2022 – On July 11, 2022, Philadelphia Lawyers for Social Equity (PLSE) presented to Governor Tom Wolf, Lt. Governor John Fetterman and the Pennsylvania Board of Pardons a Petition for General Pardon (Amnesty) that would forgive everyone in Pennsylvania who has been convicted of a marijuana offense that did not involve violence, or the threat of violence, to anyone.

Today, the Governor, Lt. Governor and Board of Pardons announced the PA Marijuana Pardon Project, which they termed an “effort to quickly pardon thousands of Pennsylvanians from marijuana-related convictions.” The Project only covers people who apply by September 30; only those with either of two limited misdemeanor marijuana convictions; only those who are able to access and complete the form via the internet; and only those who are first able to successfully navigate the complexities of the “Keystone Login” system to get a Username and Password – a system that even lawyers have called “a nightmare.”

A greater problem – and maybe an insurmountable one for most with records – is that the application requires the Docket Number, County, and Offense Tracking Number (OTN) for each conviction. That requirement runs directly into Pennsylvania’s Clean Slate law, which removes (“seals”) all of that information from public access after ten years. Despite the program’s promise to review convictions of any age, no instructions are given how to get this information if it has already been sealed. In other words, if the marijuana conviction occurred before September 1, 2012, this special program may not apply.

“The Governor said today that ‘I am committed to doing everything in my power to support Pennsylvanians who have been adversely affected by a minor marijuana offense on their record,’” said PLSE’s Executive Director Renee Chenault Fattah. “The Program announced today is a start, and I am going to take the Governor at his word. If the Program does not produce the ‘thousands’ of applications he has predicted, I trust the Governor will be ready to take more, bigger steps that are ‘within his power.’”

The Governor’s press release estimated “that thousands of Pennsylvanians are eligible due to convictions over the past several decades, even pre-dating marijuana’s inclusion as a Schedule 1 drug under the Controlled Substances Act.” In fact, that is a gross understatement. Data from the Administrative Office of the Pennsylvania Courts confirm that there were 51,604 convictions across the Commonwealth under the two qualifying statutes just in the past ten years (between April 2012 and April 2022). (Those data are on PLSE’s website. The AOPC declined to produce data earlier than ten years.)

“We are going to do what we can to spread the word across the state about this new Program, and we will encourage people to apply,” said Chenault Fattah. “But mark my words: On October 1 we will be asking the Governor and the Board of Pardons for hard numbers – numbers of those who applied, and numbers of those who started trying to apply but weren’t able to complete the application form. And on October 2, if there aren’t tens of thousands of applicants, we will be asking the Governor to exercise his constitutional authority and call on the Board of Pardons to hold a public hearing on our Petition for General Pardon – something that, without application, staff time, or individual investigations, could free over 100,000 people from the harms of a non-violent marijuana conviction.”

Assistance in applying for the new PA Marijuana Pardon Project may be found at <https://www.plsephilly.org/pardons/marijuana-amnesty-project/bop/>

The Petition for General Pardon (Amnesty) for non-violent marijuana-related offenses may be found at <https://www.plsephilly.org/wp-content/uploads/2022/07/Marijuana-Amnesty-Petition-July-2022.pdf>

Data provided by the Administrative Office of the Pennsylvania Courts on marijuana-related convictions may be found at <https://www.plsephilly.org/pardons/data/>

Information and application forms for the new PA Marijuana Pardon Project may be found at <https://www.pa.gov/guides/mj-pardon/>

The press release announcing the new PA Marijuana Pardon Project may be found at <https://www.governor.pa.gov/newsroom/gov-wolf-It-gov-fetterman-announce-effort-to-quickly-pardon-thousands-of-pennsylvanians-from-marijuana-related-convictions/>

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ABOUT PLSE: PLSE provides free legal representation to low-income residents of Philadelphia whose criminal records are holding them back from achieving their potential as productive, contributing citizens. The services include seeking expungements in criminal court and pardons from the Governor, educating elected and community leaders, creating community-based Pardon Hubs, and empowering under-resourced communities to seek a greater voice and needed systemic reforms. In 2018, it formed The Pardon Project, and today, neighbors are helping neighbors apply for pardons in more than a dozen counties across Pennsylvania: www.PardonMePA.org.