



Seattle wants to vacate marijuana misdemeanors

MARIJUANA, CRIME, RIGHTS

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One week after similar [news](#) from San Francisco, Seattle's mayor, Jenny Durkan, and city attorney, Pete Holmes, [announced](#) that they will ask the city's courts to vacate all local misdemeanor marijuana possession convictions. They cite [racial disparities](#) in such convictions that are inconsistent with actual rates of marijuana use. And they

claim it is unfair for this population of mostly people of color to continue to face obstacles to housing and employment years after being convicted of behavior that is currently legal.

Vacating marijuana misdemeanors

The final decision lies with the city court, but with the request to vacate originating from the prosecutor, there is little reason or opportunity for judges to oppose the action. Approximately 500 misdemeanor convictions could be erased. Before 1997, misdemeanor marijuana charges were handled by the King County courts. In 2003, Seattle voters passed a measure making minor marijuana crimes the Seattle Police Department's lowest priority, which slowed the rate of convictions until 2010, when Holmes took office and refused to prosecute such cases at all. Marijuana was legalized in Washington state in 2012.

Once the court acts, all relevant records will be cleared automatically, without any action on the part of the person convicted. Although the process will be automatic, it will not be instantaneous; anyone who may be affected should check their [criminal record](#) to verify that the conviction has been cleared. Assuming they have no other criminal history, once the misdemeanor charges are vacated, those people will be able to say they have no prior convictions when they apply for an apartment or job.

Marijuana [amnesty](#): trend or isolated outliers?

Seattle joins San Francisco and [San Diego](#) as the third city to automatically vacate misdemeanor convictions. In San Francisco, over 3,000 convictions dating back to 1975 will be dismissed and sealed. Up to 5,000 felony convictions will be reviewed for possible downgrading to misdemeanors.

In Seattle, felony marijuana charges have always been handled at the county level. King County prosecutor Dan Satterberg has [expressed support](#) for eliminating marijuana convictions but says the county doesn't have the resources to unilaterally vacate or reduce all old convictions. Individuals with low-level marijuana convictions in King County who take action to [challenge](#) their conviction may be successful in having it erased, however.

Seattle's mayor hopes that the city's action will spur similar action at the state level. Washington state is currently considering a [bill](#) that would allow expungement of misdemeanor marijuana convictions. At least [nine states](#) already have laws allowing for expungement of some types of marijuana convictions, although the process can be expensive and often requires [legal assistance](#).

Tagged [expungement](#), [Jenny Durkan](#), [marijuana](#), [misdemeanor](#), [Pete Holmes](#), [San Diego](#), [San Francisco](#), [Seattle](#)

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