THE STATE OF ILLINOIS NO LONGER CONSIDERS CANNABIS A CRIME, SO WHY DOES YOUR RECORD SAY OTHERWISE?

OP-ED

by Peter Honigmann & Brandon Williams

In 2003, Christopher Branford was convicted of possession of cannabis in Decatur. He's now 43 and working as a kitchen manager in Springfield, Illinois, but before landing his current position, he was having difficulty finding something stable.

"I'm going to jobs and filling out applications, and they ask you on the interview, 'Are you a convicted felon?'...and you try to do the right thing by saying yes, but...a lot of employers don't want to hear about it. I felt like I was being singled out from others because I had a felony conviction."

On June 25, 2019, Illinois became the 11th state to legalize cannabis. It was a momentous day for many, but a cloud loomed over the news. Though Illinoisans would no longer be penalized for possessing small amounts of cannabis (30 grams or less) going forward, what would happen to the hundreds of thousands in Illinois, with arrests and records like Christopher?

The Illinois Cannabis Regulation and Tax Act of 2019 included an expungement process to help people clear their records stemming from prior cannabis arrests and convictions.

"As the first state in the nation to fully legalize adult use cannabis through the legislative process, Illinois exemplifies the best of democracy—a bipartisan and deep commitment to better the lives of all of our people," Pritzker said at the signing ceremony. "Legalization of adult use cannabis brings an important and overdue change to our state, and it's the right thing to do."

New Leaf Illinois was created as an answer to this challenge. New Leaf is a statewide, state-funded network of 20 non-profit organizations that provide free legal help to people who want their cannabis convictions off their records.

Christopher's conviction was finally expunged in 2021 through the work of New Leaf Illinois.

"I'm working. I'm providing for my family...I'm happy," Christopher said.

In all 102 counties of Illinois, people can reach out to New Leaf for legal advice, referrals or help with drafting necessary court documents. The registration process is very simple. By filling out a brief intake form at newleafillinois.org or calling the New Leaf hotline at (855) 963-9532, you can get started on the path towards expungement. Tell us the Illinois County where you were arrested or convicted, and other basic information, and then a legal aid professional will be in touch with potential next steps. Based on the information you provide, attorneys review your court records and then offer advice and possibly a referral to other legal aid agencies in our partner network. The details will differ from person to person and case to case.

Your answers to the questions on the form from the New Leaf online portal or the New Leaf hotline will help our legal aid professionals determine how to help you. New Leaf will help you determine your next steps based on your cannabis record, and offer assistance where we can. If you are not a U.S. citizen, it is very important you consult with New Leaf, or an immigration attorney of your choice, about how immigration and expungement are connected, because pursuing expungement could negatively impact your immigration legal status or U.S. citizenship.

New Leaf is committed to equal justice for all those who were previously arrested or convicted for cannabis use, production and sale. We think of the expungement process as one step toward repairing the damage caused by the war on drugs, which unfairly impacted people of color and the economically disenfranchised. The war on drugs wreaked destruction on many communities and lives throughout Illinois, a crusade that caused massive harm and was ultimately considered a failure in Illinois. The passage of the Illinois Cannabis Regulation and Tax Act is certainly a small victory that will help us to begin to right that wrong.

There are approximately 700,000 Illinoisans eligible for cannabis offense expungement. There are three possible ways to get your records expunged, two of which are automatic and one which requires going to court. By talking with New Leaf, you will learn which path is best for you and what assistance is available to help you clear your record.

We have found that cannabis arrests and records affect other areas of a person's life, such as employment (difficulty getting jobs), housing (landlords rejecting applications because of a background check), certain educational opportunities, the right to own a firearm, and more.

So, what does expungement mean? Once something is expunged, it means the records are destroyed with a few exceptions. Employers, law enforcement, landlords, and licensing agencies can't view expunged records—it's illegal.

Nick Seidel, a CARPLS Paralegal who works on the New Leaf program said, "There are people who have a minute amount of cannabis who are now not allowed to get any kind of gainful employment or attend a training program or live where they want to live."

Nick was formerly incarcerated and earned his paralegal degrees while serving his sentence. "I'm someone who has experienced that firsthand, how difficult it is and how challenging it is to navigate the justice system without any assistance. I know what it's like to feel hopeless and then to encounter somebody who can help you along."

New Leaf's goal is to provide assistance to as many people as possible interested in expunging their cannabis convictions and getting assistance with clearing their record. In many cases, New Leaf can help clear a record at no cost. Free legal services are provided to income-level qualifying individuals in every region in Illinois. If you do not meet the income-level requirement, but are still eligible for an expungement, you will be given specific guidance on a path forward and referrals to legal resources. Even if your case cannot progress to a conclusion through New Leaf alone, you will be armed with information and tools to move forward.

Thousands of people have been helped by the automatic expungement law since it went into effect on January 1, 2020, but there are still hundreds of thousands who are eligible for assistance through New Leaf. Cannabis expungement initiatives are not just an urban issue. This affects any eligible person throughout the State of Illinois.

We know the legal system can seem intimidating. New Leaf was created to help each step of the way in the pursuit of cannabis expungement.

Ultimately, anyone with a cannabis arrest or conviction in Illinois should contact us.

As Christopher said, New Leaf is helping people "move forward in life without having that burden on your back. Go for it!"

New Leaf Illinois is proud to partner with civil legal aid and advocacy organizations across the state. New Leaf is a project of the Illinois Equal Justice Foundation.

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New Leaf Illinois (newleafillinois.org) is a program for cannabis expungement.