TO: ALL DISTRICT ATTORNEYS, CHIEF JUSTICES, AND COURT EXECUTIVE OFFICERS

The California Department of Justice (DOJ) appreciates the efforts county prosecuting agencies and
the superior courts have taken thus far to implement Cannabis Convictions Resentencing pursuant to
Assembly Bill (AB) 1793 (Stats. 2018, ch. 993, Health & Safety Code Sec. 11361.9). Thanks to these
efforts, tens of thousands of Californians have been able to turn the page and make a fresh start.
However, there is still work that needs to be done. We urge prosecuting agencies and courts to
prioritize implementation of the cannabis resentencing process provided under Health and Safety
Code Sec. 11361.9 so Californians can promptly obtain the relief to which they are entitled under the
law.

As required by AB 1793, DOJ reviewed the records in the state summary criminal history information
database and identified past convictions that are potentially eligible for recall or dismissal of sentence,
dismissal and sealing, or re-designation pursuant to Adult Use of Marijuana Act (AUMA) (HSC section
11361.9.) In accordance with AB 1793, prior to July 1, 2019, the DOJ provided every county
prosecuting agency in the state with a list of individuals that may be entitled to this relief.

County prosecuting agencies had until July 1, 2020, to review these cases and determine whether to
challenge the resentencing, dismissal and sealing, or re-designation. AB 1793 requires the
prosecution to (1) notify the public defender and the court when they are challenging a particular
resentencing, dismissal and sealing, or redesignation, and (2) notify the court if they are not
challenging a particular resentencing, dismissal and sealing, or redesignation.

If there is no challenge by the prosecution, the law requires courts to automatically reduce or dismiss
the conviction, and notify DOJ to modify the state summary criminal history information database in
conformance with the recall or dismissal of sentence, dismissal and sealing, or re-designation. We
strongly encourage and request the courts to continue processing this information at the local level
and to notify DOJ in a timely manner.

As of December 1, 2021, DOJ has identified that there are still past convictions in the state summary
criminal history information database that are potentially eligible for recall or dismissal of sentence,
dismissal and sealing, or re-designation pursuant to Adult Use of Marijuana Act (AUMA) (HSC section
11361.9.)

We understand that there may be instances where the prosecution has challenged “the dismissal and
sealing or redesignation,” and therefore those convictions will remain in the state summary criminal
history information database until those challenges are resolved by a court.
However, we are aware that there are some prosecuting agencies that have not provided a complete listing of cases to the court for processing. In this event, the court may not have been able to “reduce or dismiss the conviction” or subsequently “notify the department of the recall or dismissal of sentence, dismissal and sealing, or redesignation”.

The DOJ is here to assist and ready to help. All existing disposition reporting methods can be utilized to report this data to the DOJ. Additionally, the DOJ created a new data reporting method that can be used specifically for these cases. Information about each of these reporting options is available on CLEW at https://clew.doj.ca.gov.

If you would like more information, please contact us at ElectronicDispositionReporting@doj.ca.gov and we can work with you on a solution that meets your needs for reporting this data to the DOJ.

Sincerely,

JOE DOMINIC, Chief/CIO
California Justice Information Services Division

For ROB BONTA
Attorney General