


<p>California Department of Justice <b>CALIFORNIA JUSTICE</b> <b>INFORMATION SERVICES DIVISION</b> Joe Dominic, Chief/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Assembly Bill (AB) 1793 Cannabis Convictions: Resentencing</p>	<p><i>No.</i> 21-10-CJIS</p> <p><i>Date:</i> 12-15-2021</p>	<p><i>Contact for information:</i> <a href="mailto:ElectronicDispositionReporting@doj.ca.gov">ElectronicDispositionReporting@doj.ca.gov</a></p>

**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](mailto: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,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal flourish extending to the right.

JOE DOMINIC, Chief/CIO  
California Justice Information Services Division

For ROB BONTA  
Attorney General