

House Bill 804

By: Representatives Holly of the 116th, Dawson of the 65th, Bell of the 75th, Frye of the 122nd,
Davis of the 87th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-30 of the Official Code of Georgia Annotated, relating to
2 purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana
3 and penalties, so as to codify the proclamation by the Office of the President of the United
4 States that would grant a pardon and restore full political, civil, and other rights regarding
5 the offense of simple possession of marijuana; to provide for limitations; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 16-13-30 of the Official Code of Georgia Annotated, relating to purchase,
10 possession, manufacture, distribution, or sale of controlled substances or marijuana and
11 penalties, is amended by adding a new subsection to read as follows:

12 "(j.1) Except as provided under paragraph (1) of subsection (j) of this Code section, the
13 following proclamation shall govern the simple possession of marijuana:

14 'Acting pursuant to the grant of authority in Article II, Section 2, of the Constitution of
15 the United States, the Office of the President of the United States does hereby grant a full,
16 complete, and unconditional pardon to (1) all current United States citizens and lawful

17 permanent residents who committed the offense of simple possession of marijuana in
18 violation of the Controlled Substances Act, as currently codified at 21 U.S.C. 844 and as
19 previously codified elsewhere in the United States Code, or in violation of D.C. Code
20 48–904.01(d)(1), on or before the date of this proclamation, regardless of whether they
21 have been charged with or prosecuted for this offense on or before the date of this
22 proclamation; and (2) all current United States citizens and lawful permanent residents
23 who have been convicted of the offense of simple possession of marijuana in violation
24 of the Controlled Substances Act, as currently codified at 21 U.S.C. 844 and as
25 previously codified elsewhere in the United States Code, or in violation of D.C. Code
26 48–904.01(d)(1); which pardon shall restore to them full political, civil, and other rights.
27 The proclamation is to pardon only the offense of simple possession of marijuana in
28 violation of Federal law or in violation of D.C. Code 48–904.01(d)(1), and not any other
29 offenses related to marijuana or other controlled substances. No language herein shall
30 be construed to pardon any person for any other offense, including possession of other
31 controlled substances, whether committed prior, subsequent, or contemporaneous to the
32 pardoned offense of simple possession of marijuana.

33 Pursuant to this proclamation, the Attorney General, acting through the Pardon Attorney,
34 shall administer and effectuate the issuance of certificates of pardon to eligible applicants
35 who have been charged or convicted for the offense of simple possession of marijuana
36 in violation of the Controlled Substances Act, as currently codified at 21 U.S.C. 844 and
37 as previously codified elsewhere in the United States Code, or in violation of D.C. Code
38 48–904.01(d)(1). The Attorney General, acting through the Pardon Attorney, is directed
39 to develop and announce application procedures for certificates of pardon and to begin
40 accepting applications in accordance with such procedures as soon as reasonably
41 practicable. The Attorney General, acting through the Pardon Attorney, shall review all
42 properly submitted applications and shall issue certificates of pardon to eligible
43 applicants in due course."

44

SECTION 2.

45 All laws and parts of laws in conflict with this Act are repealed.