



Summary of Delaware's Marijuana Expungement Bill, SB 197

Introduced on May 9, 2018, SB 197 would allow for mandatory expungement of convictions that occurred before December 18, 2015 for activities that became civil penalties when Delaware enacted decriminalization legislation.

For individuals who were 21 or older at the time of the offense, that includes possession or private use of one ounce or less of marijuana. In order to be granted a mandatory expungement, the individual cannot have any other criminal convictions, marijuana-related or not. When applying for mandatory expungement, the individual will have to provide an accurate criminal history that shows no other convictions and pay a small fee. If the petitioner meets the requirements of mandatory expungement — meaning the offense was covered and they had no other convictions — the request must be granted.

When an individual successfully files for mandatory expungement, police records and court records relating to the charge will be transferred to the supervisor of the State Bureau of Identification. In response to inquiries regarding convictions, the bureau will respond that there is no record unless the inquiry is from law enforcement.