

Cannabis Restoration Act

A bill to: (1) change the current lawful and/or legal status of cannabis, marijuana (marihuana), hemp, tetrahydrocannabinol and all derivatives and/or substances and/or forms thereof, (2) release from incarceration, parole and/or probation those convicted of marijuana related crimes, (3) offer to grant unconditional pardons for those convicted of marijuana related crimes, (4) restore all rights and privileges for those convicted of marijuana related crimes, (5) order to cease and desist any and all ongoing marijuana related criminal and/or civil investigations and/or prosecutions and (6) amending the Federal Food, Drug, and Cosmetic Act.

It is noted that the words cannabis, marijuana, marihuana, tetrahydrocannabinol (THC) and hemp are used interchangeably.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

I. Declassification of marijuana and tetrahydrocannabinol(s) and classification authority

(A) Title 21, United States Code, Section 812, Sub-section (c) is amended as follows:

(10) Deleted.

(17) Deleted.

(B) Title 21, United States Code, Section 811, Sub-section (a)(1) is amended as follows:

(1) **Shall** not have the authority to include cannabis, in any of its various forms, in or append cannabis, in any of its various forms, to any schedule.

II. Release from incarceration, parole and/or probation

(A) Within 90 days of enactment the United States Department of Justice and the Federal Bureau of Prisons **shall** submit to the Attorney General of the United States:

(1) A list of all persons currently incarcerated, fined, on parole, on probation and/or suffering any other pain or penalty for conviction of a marijuana related crime(s).

(2) A list of all persons convicted of a marijuana related crime but who are no longer incarcerated, were fined, on parole, on probation and/or suffered any other pain or penalty for said crime(s).

(B) Within 30 days of submission of the above list(s) to the Attorney General of the United States, the Attorney General of the United States **shall**:

(1) Order the release of all persons currently incarcerated, fined, on parole, probation

and/or suffered any other pain or penalty for conviction of a marijuana related crime(s).

III. Grant of unconditional pardon

(A) Within 120 days of enactment the United States Attorney General **shall**:

(1) Submit a list of all persons who were ever incarcerated, fined, placed on parole, placed on probation and/or suffered any other pain or penalty for conviction of a marijuana related crime(s) to the President of the United States.

(2) The President of the United States **shall** extend an offer of an unconditional pardon to all persons who were ever incarcerated, fined, placed on parole, placed on probation and/or suffered any other pain or penalty for conviction of a marijuana related crime(s).

IV. Restoration of all rights and privileges

(A) Within 120 days of enactment all persons who were ever incarcerated, fined, placed on parole, placed on probation and/or suffered any other pain or penalty for conviction of a marijuana related crime(s) **shall**:

(1) Have all rights and privileges restored to them as though no investigation, arrest, prosecution, incarceration, fine, parole, probation and/or any other pain or penalty had ever occurred.

(2) Have all rights and privileges restored to them as though no civil pain or penalty had ever occurred.

(B) Within 120 days of enactment all federal departments, agencies, bureaus and sub-divisions thereof **shall**:

(1) Completely expunge and destroy any and all records of any person(s) who were ever incarcerated, fined, placed on parole, placed on probation and/or suffered any other pain or penalty for conviction of a marijuana related crime(s).

(2) Completely expunge and destroy any and all records of any person(s) who were ever investigated, arrested and/or prosecuted for a marijuana related crime.

(3) Completely expunge and destroy any and all records of any person(s) who ever suffered a civil pain or penalty.

(4) No person **shall** be required to state that they were ever investigated for and/or convicted of a marijuana related crime when applying for any employment position within the federal government.

(5) No person **shall** be required to state that they ever suffered a civil pain or penalty of a marijuana related crime when applying for any employment position within the federal government.

(C) Should any federal record fail to be completely expunged and destroyed according to this act, whosoever should suffer any pain or penalty from the failure of said record being completely expunged and destroyed **shall** have standing to sue in federal court for treble damages.

(D) A record entered into evidence, which should have been completely expunged and destroyed **shall** constitute prima facie evidence of negligence and a violation of civil rights.

(E) Any person who enters said evidence **shall** be granted summary judgement, by the court of record, in their favor.

V. Order to cease and desist

(A) Upon enactment all federal departments, agencies, bureaus and sub-divisions thereof **shall**:

- (1) Cease and desist from any and all investigations, prosecutions and civil processes against any person purportedly involved in a marijuana related crime(s) forthwith.
- (2) Return forthwith any and all property seized from any person purportedly involved in a marijuana related crime(s) through any civil process.
- (3) Dismiss forthwith any and all criminal complaints filed in a federal court against any person purportedly involved in a marijuana related crime(s).
- (4) Release forthwith any person purportedly involved in a marijuana related crime(s) who is currently incarcerated and awaiting trial or released upon posting bail and/or bond and awaiting trial and any/all bail and/or bond **shall** be returned to said person forthwith. There **shall** be no delay for any reason whatsoever.

VI. Federal Food, Drug, and Cosmetic act

(A) No provision of the Federal Food, Drug, and Cosmetic Act **shall** prohibit or otherwise restrict the growing, transportation, importation, storage, marketing, sales and use of cannabis, in any form and/or substance for any purpose.