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Contact: Aaron Payment, (906) 635-6050

Sault Tribe board approves expunging Sault Tribe members' marijuana convictions

SAULT STE. MARIE, Mich. — A resolution to expunge and set aside tribal members' marijuana offenses and past convictions passed unanimously by the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors at an Aug. 11 special meeting.

The legalized personal use and possession of marijuana has become more accepted across the country, including Sault Tribe and the state of Michigan. The tribe has decriminalized marijuana for medical and recreational purposes and recently entered an agreement to sell marijuana for recreational purposes at various trust land locations.

Prior marijuana convictions can create obstacles for those seeking higher education assistance, housing and employment. "To allow convictions to remain on a tribal member's record for an act that has been legalized is not in anyone's best interests, neither the tribe nor its members," said Tribal Chairperson Aaron Payment.

The Tribal Code only allowed members to apply for only one marijuana related offense to be expunged after five years, so the board decided to add expungement of all such offenses to the Tribal Code. The resolution adds expungement to Chapter 71 of the Tribal Code, which provides for setting aside past marijuana convictions. Tribal Code, Chapter 71, section 71.1617 Vacating Offenses, now reads: "All past marijuana convictions authorized by these Sections shall be set aside and expunged from individual records for all convictions prior to Aug. 11, 2020. Future convictions may be set aside pursuant to Tribal Code Chapter 77."

In the coming weeks, Tribal Court will be going through all previous criminal files and entering orders setting aside each marijuana conviction. A copy of the order setting aside the conviction will be sent to the affected defendants to their last known address in the next two months as the orders are completed. If an individual believes they have a previous marijuana conviction that will be set aside, and have moved or believe the address that the Court has may be out of date, they should contact the Court at (906) 635-4963 or tribalcourt@saulttribe.net with an updated address.

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