

COLORADO

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

Eligibility to Adopt a Child, or to Become a Foster Parent

A felony marijuana conviction bars adoption for five years. Colo. Rev. Stat. § 19-5-207(2.5)(a)(IV)(G) (2005).

A felony marijuana conviction, by the applicant or a person employed at the foster home, results in a 5-year bar on becoming a foster parent. A "pattern of misdemeanor convictions" within the ten years immediately preceding submission of the foster parent application also bars issuance of a foster parent certificate. Colo. Rev. Stat. § 19-5-207 (2005), 26-6-104(8) (2005).

Eligibility for Public Housing

According to the Legal Action Center, any drug-related conviction results in a three-year ban from public housing, and a pattern of arrests will be scrutinized. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY at <http://www.lac.org/lac/index.php>.

Eligibility for Food Stamps and other Public Assistance

Colorado has opted out of the federal ban, but has enacted a similar ban that is slightly harsher. Under Colorado's Works Program,¹ any felony marijuana conviction results in a lifetime ban, "unless such person is determined by the county department to have taken action toward rehabilitation such as, but not limited to, participation in a drug treatment program." Colo. Rev. Stat. § 26-2-706(3) (2005). A misdemeanor marijuana conviction results in a 2-year ban (1st offense) or a lifetime ban (2nd offense), but **only if** "misuse of food stamp benefits is part of the court findings" related to the conviction. Colo. Rev. Stat. § 26-2-305(c) (2005).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Private Employers may ask about and consider an applicant's marijuana arrests and/or convictions unless they have been sealed. Colo. Rev. Stat. § 24-72-308(1)(f)(I) (2005). Public employers, however, may not deny employment based on a misdemeanor or felony marijuana conviction. Colo. Rev. Stat. § 24-5-101 (2005).

Records of all criminal arrests and convictions are kept and are made available to the public. Colo. Rev. Stat. § 24-72-301(2) (2005).

¹ The Colorado Works Program is a program that was implemented after the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" was enacted and is a state "public assistance program that emphasizes placing recipients in work and supporting them in sustained employment with food stamps, child care assistance, and medicaid[.]" COLO. REV. STAT. § 26-2-702 (2005).

Misdemeanor and felony marijuana convictions shall not prevent a person from “obtaining public employment or from applying for and receiving a license, certification, permit or registration required by the laws of this state to follow any business, occupation, or profession.” Colo. Rev. Stat. § 24-5-101 (2005).

Eligibility for Educational Loans

“The Colorado Commission on Higher Education follows the federal guidelines for determining state financial aid eligibility. Students with drug convictions are therefore being denied aid in Colorado.” CHRIS MULLIGAN ET AL., FALLING THROUGH THE CRACKS: LOSS OF STATE-BASED FINANCIAL AID ELIGIBILITY FOR STUDENTS AFFECTED BY THE FEDERAL HIGHER EDUCATION ACT DRUG PROVISION 4 (Coalition for Higher Educ. Reform 2006), at <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver’s License

We were unable to find any provision in Colorado law that either adopts or opts out of the federal provision that requires a six-month driver’s license suspension for any drug conviction. Accordingly, it appears that Colorado does not automatically suspend a person’s driver’s license for a non-vehicle related marijuana conviction.

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction bars voting while incarcerated and on parole. Colo. Const. Art. 7 § 10, Colo. Rev. Stat. § 1-2-103(4), Colo. Rev. Stat. § 1-2-103(4) (2005).

Right to Sit on a Jury

Neither a misdemeanor nor a felony marijuana conviction bars service as a juror. Colo. Rev. Stat. §13-71-105(2), *People v. Ellis*, 2006 Colo. App. LEXIS 405 8 (Colo. Ct. App. 2006). Prospective *grand* jurors are disqualified by any prior felony marijuana convictions. Colo. Rev. Stat. § 13-71-105(3).

Right to Possess a Firearm

Any felony marijuana conviction results in an indefinite bar on possessing a firearm. Colo. Rev. Stat. § 18-12-108(1) (2005).