

DISTRICT OF COLUMBIA

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

The District conducts a background check of prospective foster or adoptive parents and will deny applicants if the check reveals a felony drug-related conviction within the past 5 years. This can be overcome if the agency finds that adoption is in the best interests of the child, despite the conviction. D.C. Code § 4-1305.06 (2007).

Eligibility for Public Housing

According to the D.C. Public Defender's Service, the D.C. Housing Authority may deny, for three years, public housing for a misdemeanor or felony marijuana conviction. Arrests will also be considered. The Authority will consider rehabilitation to reduce or lift the ban. D.C. Mun. Regs., tit. 14, § 6105 *et. seq.* (2006).

Eligibility for Food Stamps and other Public Assistance

The District of Columbia has opted out of the federal lifetime ban. "An adult who is a drug felon shall not be denied TANF benefits solely because he or she is a drug felon." D.C. Code § 4-205.71 (2007).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Any marijuana conviction can be grounds for denying, revoking, or suspending an occupational license, but only if the duties of the licensee or occupation are directly related to the conviction. D.C. Code §§ 2-3305.3, 25-115g1, 2-2729a2, 47-2853.12(a)(1), 3-1205.03(a)(1) (2006). Private and public employers are permitted to ask about and consider any marijuana convictions that occurred in the prior 10 years. D.C. Code § 2-1402.66 (2007).

Eligibility for Educational Loans

The District of Columbia does not use the FAFSA, and other state applications for student financial aid do not ask about past drug convictions (CHEAR green state). Thus a marijuana conviction has no effect on receiving state educational aid.

Driver's License

A misdemeanor or felony marijuana conviction results in a driver's license suspension of between six months and two years. D.C. Code § 50-1403.02(a) (2007).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A marijuana-related felony results in a bar on voting while incarcerated. Voting is permitted while on probation or parole. D.C. Code § 1-1001.02(7) (2007).

Right to Sit on a Jury

The right to serve on a jury is lost for life to anyone who has been convicted of a felony. Application to restore rights can be submitted 10 years after completion of sentence. D.C. Code §§ 11-1901, 11-1906(b)(2)(B), D.C. "Jury System Plan" §7(f) (2007).

Right to Possess a Firearm

A misdemeanor or felony marijuana conviction results in a five-year prohibition on possessing a firearm. (D.C. Code § 7-2502.03).

NOTES:

For additional details see the 2004 report prepared by the District of Columbia Public Defender's Service. (DCPDS, 2004).