

IDAHO

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 and foster care parenting for seven years, two years longer than the federal ban would require. IDAPA 16.05.06.030 (2005). For foster care, applicants may be barred if other adult household members have any disqualifying convictions. IDAPA 16.05.06.015 (2005).

Eligibility for Public Housing

Idaho has not adopted the federal bar. Although there are no explicit bans, the Legal Action Center reports that the public housing authority does consider arrests and convictions when evaluating applicants. Time elapsed since prior convictions is taken into account. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, IDAHO (hereinafter "LAC REPORT"), at <http://www.lac.org/lac/main.php?view=profile&subaction1=ID> (last modified 2004).

Eligibility for Food Stamps and other Public Assistance

Idaho has opted out of the federal ban. Felony drug offenders are eligible for benefits if they comply with all conditions of probation or parole. Idaho Code § 56-202(g) (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Employers and occupational licensing agencies may ask about and consider any marijuana convictions as well as arrests within the past 12 months. Idaho Code § 67-3003, 67-3007, 67-3010 (2006). Certain professions apply a direct relationship test in regards to past convictions as part of their licensure requirements. See Idaho Code § 54-2103(23) (2006) (providing that veterinarians must be in "good standing" and cannot have a criminal conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of veterinary medicine).

Eligibility for Educational Loans

Idaho follows federal guidelines in the administration of state aid, and is therefore denying financial aid to students with drug convictions. 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 14 (Coalition for Higher Educ. Reform 2006), at <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver's License

The Idaho Department of Motor Vehicles will not issue any driver's license, any instruction permit, or any privileges or right to drive and if issued, may revoke or cancel the driver's license of a person who is an habitual drunkard, or is addicted to the use of narcotic drugs. Idaho Code § 49-303 (2006). The statute is silent on how this determination is made.

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION**Right to Vote**

Incarcerated individuals and those on probation or parole may not vote, but their civil rights are restored automatically upon completion of the sentence, including the full term of probation or parole. Idaho Code § 18-310 (2006).

Right to Sit on a Jury

The right to sit on a jury is only removed during incarceration, as all civil rights that are not political may be exercised during probation or parole. Idaho Code § 18-310 (2006).

Right to Possess a Firearm

A felony marijuana conviction for possessing, growing, or delivering marijuana results in a lifetime bar on possessing a firearm. Idaho Code §§ 18-310, 18-3316, 37-2732 (2006).