

ILLINOIS

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Lifetime bar for any of the following offenses:

- "Possession of more than 30 grams of cannabis
- Manufacture of more than 10 grams of cannabis
- Cannabis trafficking
- Delivery of cannabis on school grounds
- Unauthorized production of more than five cannabis sativae plants
- Calculated criminal cannabis conspiracy
- Unauthorized manufacture or delivery of controlled substances
- Controlled substance trafficking
- Manufacture, distribution, advertisement of look-alike substances
- Calculated criminal drug conspiracy
- Street gang criminal drug conspiracy
- Permitting unlawful use of a building
- Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property
- Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances
- Delivery of controlled substances
- Sale or delivery of drug paraphernalia
- Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection."

The bar can be overcome only if all of the following requirements are met: (1) Ten years have passed since the offense, and (2) the applicant disclosed the conviction or convictions on his or her application for adoption or foster parenting, and (3) the Department waives the conviction, and (4) the applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment. 9 ILL. ADM. CODE 402. APPX. A (2006).

All other misdemeanor and felony marijuana offenses may be considered when applying to adopt or serve as foster parent, however they are not automatic bars. 750 ILL. COMP. STAT. § 50/6, ILL. ADMIN CODE § 402.28, 225 ILL. COMP. STAT. § 10/4.1 (2006).

Eligibility for Public Housing

The Chicago Housing authority does not consider arrests. Any felony conviction results in a five-year bar from public housing. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, ILLINOIS (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=IL> (last modified 2004).

Eligibility for Food Stamps and other Public Assistance

Felony convictions for sales, possession with intent to deliver less than 2000 grams of marijuana, cultivation of any amount, or possession of less than 5000 grams of marijuana, result in a 2-year bar on receiving cash assistance. All other marijuana felonies result in a lifetime bar on receiving cash assistance. Eligibility for food stamps is not effected. 305 ILL. COMP. STAT. § 5/1-10, 720 ILL. COMP. STAT. § 550/1 (2007).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Public and private employers are not prohibited from asking about or considering marijuana arrests. 775 ILL. COMP. STAT. 5/2-103. Public and private employers are permitted to ask about and consider misdemeanor and felony marijuana convictions when making hiring decisions. Licensing agencies may revoke or suspend occupational or professional licenses due to a criminal conviction, but must restore the license upon completion of sentence unless a finding is made that the restoration would not be in the public interest. 730 ILL. COMP. STAT. 5/5-5-5(D) (2006). In August 2006, the Illinois legislature passed SB 1279 (Pub. Act. 094-1067), encouraging employers to hire ex-offenders and providing a tax credit for employers who do so.

Eligibility for Educational Loans

A marijuana conviction has no effect on educational loan eligibility. 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 (Coalition for Higher Educ. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver's License

A conviction for a marijuana offense does not result in a driver's license suspension unless a vehicle was involved in some manner. 625 ILL. COMP. STAT. §§ 5/6-201(a)(7), 5/6-205(a)(2) (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction *or misdemeanor*, results in a bar on voting, but only while actually incarcerated. 730 ILL. COMP. STAT. § 5/5-5-5, ILL. CONST. ART. 3, § 2. (2006).

Right to Sit on a Jury

No effect. 705 ILL. COMP. STAT. 305/2.

Right to Possess a Firearm

A felony conviction results in a lifetime bar on possession of any firearm. 430 ILL. COMP. STAT. § 65/4. (2006).

NOTES:

First time drug offenders may be placed in probation for 24 months, and upon successful completion the charges are dismissed. Such a dismissal "is not a conviction for the purposes of this Act or for purposes of disqualifications imposed by law upon conviction of a crime" (although it still serves as a prior conviction in any subsequent case). 720 ILL. COMP. STAT. 570/410, 720 ILL. COMP. STAT. 550/10 (2007).