

LOUISIANA

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Background checks are required for all prospective adoptive and foster parents. A felony conviction for distribution or cultivation of marijuana results in a lifetime bar on foster parenting. All other convictions (misdemeanor and felony) can be considered but cannot result in denial unless they "bear a reasonable relation" to the performance of the duties of an adoptive or foster parent. LA. REV. STAT. ANN. §§ 46:51.2, 46:282(B), 46:286.1(e)(1), 15:587(c) (2006).

Eligibility for Public Housing

Any drug conviction results in a three-year bar on public housing, but the Housing Authority can consider the facts of each case as well as rehabilitation to lift or reduce the bar. The New Orleans Housing Authority does not consider arrests in evaluating potential tenants though it does ask for information on arrests. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, LOUISIANA (hereinafter "LAC REPORT"), at <http://www.lac.org/lac/main.php?view=profile&subaction1=LA> (last modified 2004).

Eligibility for Food Stamps and other Public Assistance

Louisiana has modified the federal lifetime ban so as to restore eligibility after a one-year waiting period. LA. REV. STAT. ANN. § 46:233.2 (2006). The state also requires drug testing in a sweeping provision that states: "The commissioner of administration shall establish and administer a program for random drug testing for all persons who receive anything of economic value or receive funding from the state or an entity thereof, including but not limited to all persons awarded state contracts to provide goods or services or loans from the state or an entity thereof." LA. REV. STAT. ANN. § 49:1021 (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Records of those 61 and older who have not been arrested for fifteen years following release will not be reported. LA. REV. STAT. ANN. § 15:586 (2006). Otherwise, only in very limited circumstances, can one apply for expungement of his/her criminal record. LA. REV. STAT. ANN. § 44:9 (2006).

All employers, public and private, may consider marijuana convictions and arrests. However, a person cannot be disqualified, or held ineligible to practice or engage in any trade, occupation, or profession for which a license, permit or certificate is required to be issued by the state of Louisiana or any of its agencies or political subdivisions, solely because of a prior criminal record, except in cases in which the applicant has been convicted of a felony, and such conviction directly relates to the position of employment sought, or to the specific occupation, trade or profession for which the license, permit or certificate is sought. LA. REV. STAT. ANN. § 37:2950 (2006).

Eligibility for Educational Loans

Any felony or misdemeanor marijuana conviction disqualifies a student from receiving state financial

aid. LA. REV. STAT. ANN. § 17:3048.1(A)(1)(f) (2006). Furthermore, if a student suffers any marijuana conviction while enrolled in college and receiving state financial aid, that aid will be withdrawn. LA. REV. STAT. ANN. § 17:3048.1(A)(4)(e) (2006).

The Louisiana Office of Student Financial Assistance denies aid from its merit based scholarship program and the "GO-Youth Challenge Program" to students with any criminal conviction. 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 15 (Coalition for Higher Educ. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver's License

Any conviction for any marijuana related offense results in suspension of a driver's license for ninety days to one year. LA. REV. STAT. ANN. § 32:430 (2006). The court may grant a restricted license after thirty days for employment or education purposes. LA. REV. STAT. ANN. § 32:430(E) (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

Individuals incarcerated for a felony may not vote. LA. CONST. art I, § 10. The right to vote is automatically restored upon termination of supervision. *Id.*

Right to Sit on a Jury

The right to sit on a jury is lost for life upon conviction of any marijuana felony, and is not restored without a pardon. LA. CODE CRIM. PROC. ANN. art. 401 (2006).

Right to Possess a Firearm

A marijuana-related felony conviction results in a 10-year ban on firearm possession. LA. REV. STAT. ANN. § 14:95.1 (2006). The right to possess a firearm is automatically restored 10 years from the date of completion of sentence, probation, parole, or suspension of sentence provided that no other felony conviction occurs during that period. *Id.*