

MICHIGAN

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Background checks for all prospective adoptive parents are required. MICH. COMP. LAWS §§ 710.23f, 710.24 (2006). However, there is no specific list of crimes that bar adoption. Instead, denial is left to the discretion of the child-placing agency. *Id.*

Criminal background checks for prospective foster parents and all household members are required. MICH. ADMIN. CODE r. 400.1903(7) (2006). All persons, including minors, residing in the child care home shall be of "good moral character" and be suitable to assure the welfare of children. MICH. ADMIN. CODE r. 400.1902(3) (2006). An applicant is presumed to lack good moral character if she or he has suffered a felony marijuana conviction. MICH. ADMIN. CODE r. 400.1152(1)(e)(xii) (2006); MICH. ADMIN. CODE r. 400.1152(1)(e)(xiii)(A)&(C) (2006). The presumption that the applicant is not of good moral character is rebuttable and the applicant is given the opportunity at an informal hearing to demonstrate that he or she is of good moral character. MICH. ADMIN. CODE r. 400.1152(3) (2006).

Eligibility for Public Housing

The Detroit Public Housing Authority does not consider arrests not leading to conviction in its admission criteria. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, MICHIGAN (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=MI> (last modified 2004). Once evicted from public housing for drug-related reasons, there is a three-year bar from returning, unless mitigating factors are present. *Id.*

Eligibility for Food Stamps and other Public Assistance

Michigan has modified the federal ban. Individuals convicted of a felony marijuana offense remain eligible so long as they do not violate probation or parole, however aid is paid to a third party payee, rather than to the convicted felon. Public Act No. 294 of 2000, Section 619.

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Public and private employers are not prohibited from asking about or considering marijuana convictions. Employers are prohibited from considering misdemeanor arrests that did not result in conviction. MICH. COMP. LAWS § 37.2205a (2006). Licensing agencies may not use criminal records to deny a license unless there is a relationship between the offense and the potential licensee's ability to serve the public in a fair, honest, and open manner. MICH. COMP. LAWS § 338.43(1)(c) (2006). Conviction history can be used by licensing agencies as evidence of lack of good character in determining an applicant's eligibility. MICH. COMP. LAWS § 338.42 (2006).

Eligibility for Educational Loans

The Michigan Higher Education Assistance Authority does not rely on federal eligibility requirements, so students with marijuana convictions are eligible for state financial aid. 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 16 (Coalition for Higher Educ. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver's License

A conviction for marijuana possession, or any marijuana-related felony, results in a driver's license suspension for six months if the person has no other drug convictions within the past seven years, and for one year, if the person has one or more drug conviction within the past seven years. MICH. COMP. LAWS § 257.319e (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony or misdemeanor marijuana conviction results in a bar on voting, but only while actually incarcerated. MICH. COMP. LAWS §§ 168.492a, 168.758b (2006).

Right to Sit on a Jury

A felony marijuana conviction results in a lifetime bar on jury service. MICH. COMP. LAWS § 600.1307a (2006).

Right to Possess a Firearm

A felony conviction for unlawful manufacture, possession, importation, exportation, distribution, or dispensing of marijuana or any other controlled substance results in a lifetime bar possessing a firearm, but after five years a person may apply to have his or her firearm privileges restored by a special procedure. Mich. Comp. Laws § 700.224f (2006). (For most other felonies in Michigan, the ban is for three years.)