

MISSISSIPPI

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

All prospective adoptive and foster parents are required to undergo a criminal background check. MISS. CODE ANN. § 43-15-6 (2006); MISS. REG. 11-111-001 (2006). In either case, a marijuana conviction will result in a bar to becoming an adoptive or foster parent if the case worker or other person acting in a similar function determines that the crime bears negatively upon the individual's fitness to have responsibility for the safety and well-being of children. *Id.* The law is silent on the length of the bar; therefore, it could be a lifetime bar. There do not appear to be any automatic bars to becoming an adoptive or foster parent.

Eligibility for Public Housing

A felony or misdemeanor marijuana conviction results in a five-year ban from public housing. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, MISSISSIPPI (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=MS> (last modified 2004). Arrests are not considered by the Housing Authority of Jackson. *Id.*

Eligibility for Food Stamps and other Public Assistance

A felony marijuana conviction results in a lifetime ban on food stamps and other public assistance. MISS. CODE ANN. § 43-17-1 (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Arrest and conviction information is available to non-criminal justice agencies if authorized either by the subject of record in writing or by state or federal law. MISS. CODE ANN. § 45-27-12 (2006). There is no statutory provision prohibiting employers from asking about or considering arrests and convictions, and no law prohibits discrimination based on this information. Individuals with felony marijuana convictions are ineligible for work in the field of home health care. MISS. CODE ANN. § 43-11-13(5)(b) (2006). For certain licensures, there must be a direct relationship between the criminal conviction and the occupation for which a license is sought in order for such convictions to be considered. *See, e.g.,* MISS. CODE ANN. § 73-67-27(1)(e) (2006).

Eligibility for Educational Loans

Mississippi does not require applicants to use the FAFSA for state aid, most of which is merit-based, and they do not consider a student's past criminal record. 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). Students with drug convictions are therefore eligible to receive aid, so long as they do not disclose past drug convictions. If a drug conviction is disclosed, the policy is to deny aid. *Id.*

Driver's License

Mississippi suspends a driver's license for six months for any conviction involving the use, distribution, possession, manufacture, sale, barter, transfer or dispensing of marijuana. Miss. Code Ann. § 63-1-71 (2006).

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

The right to vote is not lost for any marijuana or other drug convictions. MISS. CONST. art. 12, § 241.

Right to Sit on a Jury

There are no marijuana or other drug-related conviction bars to serving on a jury. See MISS. CODE ANN. §§ 13-5-1, 1-3-19 (2006).

Right to Possess a Firearm

A felony marijuana conviction results in a lifetime bar on possessing a firearm, restored only upon a pardon. MISS. CODE ANN. § 97-37-5 (2006); See *also* MISS. CODE ANN. § 45-9-101(2)(d) (2006).