

NORTH DAKOTA

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

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

Prospective foster or adoptive parents are disqualified if their criminal history record shows a marijuana-related felony conviction within five years preceding the application. N.C. CENT. CODE § 50-11.3-02 (2006). Foster care applicants can be barred by the marijuana convictions of other adult members working or living in the foster care facility. *Id.*

Eligibility for Public Housing

The Grand Forks Housing Authority considers marijuana arrests and imposes a 3-year ban for marijuana-related evictions from public housing. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, NORTH DAKOTA (hereinafter "LAC REPORT"), <http://www.lac.org/lac/main.php?view=profile&subaction1=ND> (last modified 2004).

Eligibility for Food Stamps and other Public Assistance

North Dakota has adopted the federal drug felon ban. A felony marijuana conviction results in a lifetime bar on receiving any public assistance including food stamps. N.D. ADMIN. CODE § 75-02-11-02 (2005); N.D. CENT. CODE § 50-90-02 (2006).

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

Public and private employees may both ask about and consider an applicant's felony or misdemeanor marijuana convictions as well as arrests not leading to conviction record. However, a person may not be disqualified to practice, pursue, or engage in any occupation, trade, or profession for which a license, permit, certificate, or registration is required from any state agency, board, commission, or department solely because of a prior criminal conviction. N.D. CENT. CODE § 12.1-33-02.1 (2006). Nevertheless, a person may be denied a license, permit, certificate, or registration because of a prior conviction of an offense if it is determined that such person has not been sufficiently rehabilitated, or that the offense has a direct bearing upon a person's ability to serve the public in the specific occupation, trade, or profession. *Id.* The reasons for denying a license on the basis of a conviction must be explained to the applicant in writing.

Eligibility for Educational Loans

North Dakota is a "decentralized state" meaning that individual institutions determine a student's eligibility 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 17-18 (Coalition for Higher Educ. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006). (CHEAR yellow state)

Driver's License

North Dakota opted out of the federal statute and there are no driver's license revocation or suspension provisions relating to nonvehicle marijuana convictions.

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction results in a ban on voting while incarcerated. N.D. CENT. CODE §§ 12.1-33-01, -03 (2006).

Right to Sit on a Jury

A felony marijuana conviction results in a ban on jury service while incarcerated. N.D. CENT. CODE §§ 27-09.1-08, 12.1-33-01, -03 (2006).

Right to Possess a Firearm

A felony marijuana conviction results in a ban on possessing a firearm for five years after completion of sentence, including probation or parole. N.D. CENT. CODE § 62.1-02-01 (2006).